

IN THE MATTER OF AN APPLICATION TO  
AN BORD PLEANÁLA

FOR APPROVAL OF THE FOYNES TO LIMERICK ROAD (INCLUDING  
ADARE BYPASS) COMPRISING:

- (I) FOYNES TO RATHKEALE PROTECTED ROAD SCHEME,  
2019;
- (II) RATHKEALE TO ATTYFLIN MOTORWAY SCHEME, 2019;
- (III) FOYNES SERVICE AREA SCHEME, 2019.

ABP Ref. ABP-306146-19 and ABP-306199-19

ORAL HEARING

Brief of Evidence

**Material Assets and Land Agriculture and Non-Agriculture**

By John Bligh, B.Agr.Sc, M.Sc. Environmental Systems  
John Bligh & Associates

February 2021

## **1. QUALIFICATIONS AND EXPERIENCE**

- 1.1 My name is John Bligh and I am the principal agricultural consultant with John Bligh & Associates, Agricultural and Environmental Consultants. I hold a Bachelor of Agricultural Science from University College Dublin and a Master's degree in Environmental Systems from Galway Mayo Institute of Technology. I am a member of the Agricultural Science Association and the Agricultural Consultants Association.
- 1.2 I have over 20 years of experience in the provision of specialist agricultural consultancy services including the assessment of agricultural and property impacts on road projects.
- 1.3 I have extensive experience of providing agricultural input across all stages of Road design from constraints studies, route selection studies, the environmental assessment at preliminary design stage and as expert witness during the statutory process. I have been involved as the senior agricultural consultant in the provision of agricultural and property services on over 60 major road and rail projects.

## **2. ROLE IN PROPOSED ROAD DEVELOPMENT**

- 2.1 On this project, I carried out the assessment of the effect of the proposed road development on agricultural and non-agricultural property. This assessment is presented within Chapter 15 Material Assets & Land – Agriculture and Chapter 16 Material Assets & Land – Non-Agriculture.
- 2.2 These Material Asset chapters (No. 15 and 16 of Volume 2 of the EIAR) detail the methodology used, a description of the existing environment, an assessment of the likely impacts during construction and operation, proposed mitigation measures and an assessment of the residual impacts on agricultural and non-agricultural property.

## **3. EXECUTIVE SUMMARY**

- 3.1 The EIAR assessment of the Material Asset chapters (No. 15 and 16 of Volume 2 of the EIAR) concluded that the proposed road development would have significant impacts on individual farms and properties. These impacts arise from the effects of landtake and, in the case of agriculture, land severance and disturbance. In Chapter 15, there are 22 farms on which the residual impact on Agriculture is predicted to be Significant. In Chapter 16, the residual impact will be Profound on six properties, Very Significant on six properties and Significant on three properties.
- 3.2 The submissions received relating to the Material Assets chapters have been reviewed and responses have been prepared and are detailed in this brief. This brief responds to issues raised in the submissions / objections and, in so doing, provides clarification in relation of the information already contained within the EIAR in respect of each of the submissions assessed.
- 3.3 For the reasons set out in detail in this brief, there is no change to the conclusions presented in the EIAR for the Material Asset chapters (No. 15 and 16 of Volume 2 of the EIAR).

## **4. KEY ISSUES IN RELATION TO MATERIAL ASSETS & LAND – AGRICULTURE & NON-AGRICULTURE**

- 4.1 Chapters 15 and 16 are to be taken as read in their entirety and are not replicated here. To assist the Board in its consideration of this application and to put the response to objections and submissions in context, some of the key items pertaining to the Material Assets and Land – Agriculture and Material Assets and Land – Non-agricultural Property assessments as detailed in Chapter 15 and Chapter 16 of the EIAR are summarised briefly below.

### **Chapter 15 – Material Assets & Land - Agriculture**

- 4.2 Agriculture in the study area is described in Section 15.3.4 of the EIAR. Agricultural lands are generally of a high quality, which is reflected in the intensive levels of production encountered on farms along the proposed road development.
- 4.3 Details of the individual farm holdings within the study area are outlined in Table 15.6 and the location of farm holdings are shown in Fig. 15.1-15.23 of Volume 3 of the EIAR.
- 4.4 There are 105 agricultural properties directly impacted by the proposed road development and the farming enterprises comprise of: specialist beef (36.8%), specialist dairy (14.2%), mixed grazing livestock (11.3%), specialist equine (5.7%), mixed crops and livestock (5.6%) and leased lands (22.6%). The mixed livestock category and mixed crops and livestock category include farms where the main enterprise is dairy (5.6%) and farms with significant equine interests (3.8%).
- 4.5 Extensive roadside and agricultural property surveys have been undertaken with respect to the impact of the proposed road development. Landowner consultation involving walkover surveys of agricultural properties have taken place in relation to 103 agricultural properties of 105 properties potentially affected. Of the two remaining landowners, one was unavailable and the second declined to participate in consultation at that time.
- 4.6 A detailed description of the existing agricultural environment is included in Section 15.3 of the EIAR. In summary, the average farm size in the study area at 38.9ha is higher than the average farm size at a national level and for County Limerick. Land use is primarily grassland with tillage on a small number of farms. There are low levels of forestry and peat along the proposed road.
- 4.7 The primary issues on agricultural farms are landtake, land severance and disturbance to farming activities associated with the construction and operation of the proposed road development.
- 4.8 The compulsory acquisition of lands for the proposed road development will result in landtake of 323.0ha agricultural land, 2.5ha other lands (private road, river, etc.) and 6.0ha public road from agricultural properties. While the loss of this level of agricultural land is not significant on a national or county level it consists of landtake on individual farms that, in many cases, is significant. The compulsory acquisition will include the acquisition of two (including one uninhabited) dwelling houses on agricultural properties.
- 4.9 Land severance impacts occur on many agricultural properties resulting in lands being divided into two or more areas leading to increased management requirements on these holdings. Through the implementation of mitigation measures, access will be

restored to severed areas, where feasible, allowing for the continuation of farming activities with changed and, in many cases, increased levels of management.

The impact of landtake and land severance together with the construction activities associated with the proposed road development will result in temporary and permanent disturbance on the operation of farm enterprises.

Temporary disturbance during the construction phase will include changes to field / paddock layout, farm water and power infrastructure, livestock and grassland management, loss of farm buildings and handling facilities directly impacted and loss of access to facilities from lands severed by the proposed road.

Permanent disturbance includes changes to the scale and operation of activities on affected agricultural lands due to the landtake and land severance impacts. Increased management will be required on holdings with severed lands associated with tasks such as herding livestock, moving livestock, grassland management and crop management.

- 4.10 The significance of the impact on agricultural holdings is greater on dairy and equine farm enterprises due to the higher sensitivity to impacts associated with road development.

Dairy farms are generally highly efficiently operated and intensively stocked and, as a result, are particularly sensitive to a reduction in the area of the milking platform due to landtake and / or land severance.

Equine stock are, by their nature, sensitive to unexpected stimuli such as noise and visual impacts that may be associated with the construction and operation of the proposed road development. The impact on individual equine holdings is assessed in the EIAR and responses to equine submissions are provided in a separate brief of evidence delivered at this oral hearing.

- 4.11 The impact on agriculture from activities associated with the construction of the proposed road is described in Section 15.6 of the EIAR. These impacts include construction noise, dust, restricted access to lands, disturbance of field drainage and disturbance of services.
- 4.12 Measures for the mitigation of impacts on agricultural properties are described in Section 15.5 of this EIAR. These measures include mitigation related to impacts on access to lands, field boundaries, field drainage, services and impacts from noise and visual impacts.

The mitigation of impacts associated with the construction activities is described in Section 15.6 of the EIAR.

- 4.13 The assessment of the agricultural impacts concluded that, following mitigation, the residual significance of impact on agricultural properties will be Significant on 22 farms, Moderate on 49 farms, Slight on 27 farms and Not Significant on seven farms.

#### **Chapter 16 – Material Assets & Land – Non-agriculture**

- 4.14 The study area for Chapter 16 Material Assets & Land - Non-Agriculture is described in Section 16.2 of the EIAR as non-agricultural property directly impacted by the proposed road development.

- 4.15 Land use details within the study area are shown in Fig. 16.1-16.23 of Volume 3 of the EIAR.
- 4.16 There are 72 non-agricultural properties included in this assessment which comprise of 43 residential properties, one residential / commercial property, two commercial properties, three development sites, and 23 land properties.
- 4.17 The primary issues on non-agricultural property include landtake and disturbance arising from direct and indirect impacts associated with the construction and operation of the proposed road development.
- 4.18 The compulsory purchase acquisition of lands for the proposed road development will result in landtake of 19.8ha of land and 49.1ha public road from non-agricultural properties. The landtake impact will be significant on a number of properties including those where a large proportion or the entire property will be acquired.
- 4.19 In the event that the Board approves the applications, the compulsory acquisition will include seven (including one uninhabited) dwelling houses on non-agricultural properties and, as mentioned in Section 4.8 of this brief, a further two (including one uninhabited) houses on agricultural properties.
- 4.20 The impact of landtake together with the construction activities associated with the proposed road development will result in temporary and permanent disturbance.
- Temporary disturbance during the construction phase will include changes to existing access, impacts on existing property boundary, impacts to property drainage, impacts on property services and indirect noise and dust impacts on properties arising from construction works.
- Permanent disturbance includes permanent changes to the character of the property due to the reduction in the area of the property.
- 4.21 The assessment of the non-agricultural impacts determined that, following mitigation, the residual significance of impact on non-agricultural properties will be Profound on six properties, Very Significant on six properties, Significant on three properties, Moderate on two properties, Slight on 16 properties, Not Significant on 26 properties and Imperceptible on 13 properties.
- 4.22 In summary, an assessment of the impact of the proposed road development on agriculture and non-agricultural property has been completed for the proposed road development. In terms of agricultural lands, the compulsory acquisition will result in the loss of 323.0ha agricultural lands which will, following the implementation of mitigation measures, result in significant impacts on 22 farm properties. In terms of non-agricultural property, the compulsory acquisition of 19.8ha of lands will, following the implementation of mitigation measures, result in significant or greater impacts on 15 properties. These impacts will include the combined acquisition of nine residential properties (including two uninhabited) from agricultural and non-agricultural properties.

## 5. RESPONSES TO OBJECTIONS / SUBMISSIONS

### 5.1 Overview

- 5.1.1 There were 91 submissions received in relation to the impact of the proposed development on agricultural properties.
- 5.1.2 There were 28 submissions received in relation to the impact of the proposed development on non-agricultural properties.
- 5.1.3 As referenced above, the impacts of the proposed road development on affected lands and properties is described in the EIAR in Chapter 15 Material Assets and Land – Agriculture and in Chapter 16 Material Assets and Land – Non-Agriculture.
- 5.1.4 There are a considerable number of issues raised in the submissions and objections submitted to An Bord Pleanála relating to the impact of the proposed road development on affected lands and properties and the issues raised include the following:
- a) Compulsory acquisition / landtake
  - b) Impacts on access and mitigation of access
  - c) Impacts on property
  - d) Accommodation Works
  - e) Boundary impact and boundary fence type
  - f) Equine impact
  - g) Sharing of access
  - h) Provision of animal handling facilities
  - i) Impact on drainage
  - j) Risk of increased spread of animal disease
  - k) Restoration of fencing and paddocking systems
  - l) Route selection
  - m) Impact on management, training and exercise of foxhounds
  - n) Impact on non-agricultural property
  - o) Impact on services
  - p) Illegal parking, littering and anti-social behaviour

- 5.1.5 These issues are addressed, in some detail, in this section of the brief of evidence.

### 5.2 Compulsory Acquisition / Landtake

#### Issues Raised in Submissions / Objections

- 5.2.1 26 submissions / objections have objected to the CPO of their agricultural lands and/or claim that the level of agricultural landtake is excessive. The following objections / submissions raised this point: Submissions SCH- 6, 7, 8, 23, 28, 29, 35, 41, 44, 45, 48, 50, 55, 58, 78, 81, 87, 90, 97, 100, 107, 112, 114, 115, 116 and 119.
- 5.2.2 Five submissions / objections have objected to the CPO of non-agricultural lands claiming that “*Land take is excessive*” or “*the CPO is in-appropriate for this property*”. The following objections / submissions raised these points: Submissions SCH- 2, 24, 77, 93 and 106.

- 5.2.3 One submission / objection, SCH- 61 states that *"An area of land not required for construction has been included in the CPO"*.
- 5.2.4 Two submissions / objections have an objection to the CPO stating that the landownership details included in the CPO are incorrect:
- a) Submission SCH- 59 includes an objection to the CPO claiming that "A portion of ground owned by the landowners is being acquired and is identified as being in the ownership of a neighbouring landowner on the C.P.O. schedule".
  - b) Submission SCH- 95, includes an objection to the CPO stating that "The landownership description on Plot 435A.101 is incorrect."

### **Response**

- 5.2.5 Submissions raising issues in relation to the Need and / or Justification for the extent of the compulsory acquisition are responded to in the main Engineering Brief of Evidence (Part B) delivered to this oral hearing. As set out in some detail in that Brief of Evidence, it has been confirmed that only lands necessary for the construction and operation of the proposed road development are proposed to be acquired. Thereafter, there are no lands surplus to this requirement included in the compulsory acquisition.

## **5.3 Impact on Access and Mitigation of Access**

### **Issues Raised in Submissions / Objections**

- 5.3.1 Forty-five submissions / objections to the CPO on agricultural lands raise concerns relating to the potential impacts on existing access and / or lack of detail of proposed access mitigation. The following objections / submissions raised this point: Submission SCH- 4, 10, 11, 12, 16, 17, 19, 25, 27, 28, 29, 36, 40, 41, 44, 45, 46, 47, 49, 51, 54, 55, 58, 59, 61, 68, 75, 76, 80, 83, 84, 85, 88, 91, 92, 94, 99, 102, 104, 110, 113, 114, 115, 117 and 119.
- 5.3.2 Specific objections in relation to concerns about access to agricultural property were raised in the following submissions:
- a) Submission / objection SCH- 8 states that *"The proposed over bridge abutting the local access road L-1421 at Croagh is inadequate to service the need of the holding, noting the existence thereon of large machinery, beef cattle and horses"*.
  - b) Submission / objection SCH- 11, states that "The proposed access to the severed lands is completely unacceptable ..."
  - c) Submissions SCH- 12 includes an objection that there is *"No detailed access / crossing points are identified to access part of their property thus rendering some parts unworkable"*.
  - d) Submission SCH- 16 includes an objection that there is *"the proposed underpass is in an unsuitable location and is not accessible from his existing farm roadways"*.
  - e) Submission SCH- 17 includes objections that *"it is unclear from the documents whether my Client will have the shared use of both underpass 11A and 11B"* and it is *"unclear from the drawings as to how landowner is to access public road L-8027 or his severed lands from the access road provided as part of the underpass 11A"*.
  - f) Submission SCH- 27 includes an objection regarding the *"turning circle for vehicular access to realigned entrance laneway to dwelling house and farmyard"*.
  - g) Submission SCH- 40, includes an objection that:

*“an area of land is completely landlocked by the proposed road and no access details have been provided by the County Council”.*

*“proposals for a shared access arrangement with an adjoining landowner to restore access to a portion of land. The landowner objects strongly to these proposals and an alternative access is required”.*

- h) Submission SCH- 47 includes an objection that *“even the provision of a separate underpass to service my Clients severed lands will be inadequate ...”.*
- i) Submission SCH- 49 includes an objection that *“an existing right of way which provides access to an old dwelling house is being acquired and the County Council haven’t explained how the access will be restored”.*
- j) Submissions SCH- 61 and 85 include an objection that *“no detailed access / crossing points are identified ... to access part of their property thus rendering some property parts unworkable. We believe that the current design proposals pose a threat to Human Life in the management of livestock”.*
- k) Submission SCH- 92 include an objection that *“access / crossing points that are identified ... to access part of their property renders some property parts unworkable. We believe that the current design proposals pose a threat to Human Life”.*
- l) Submission SCH- 84 includes an objection that includes concerns about how the council plan to maintain continuous access to lands during the construction phase. The objection requests that the proposed access is suitable for articulated trucks to ensure the delivery of feedstuffs, fertiliser and livestock.
- m) Submission SCH- 88 asserts that *“the provision of a shared underpass is not in its own right sufficient to cater for the movement of animals between the two severed parts of my clients holding ...”.*
- n) Submission SCH- 94 includes an objection due to a *“Problem with access to lands retained”.*

5.3.3 Twelve submissions / objections in relation to non-agricultural property raised concerns about access to property and the maintenance of access to the property during the construction period. The following objections / submissions raised these points: Submissions SCH- 5, 22, 31, 49, 52, 63, 65, 79, 104, 105, 106, 109.

5.3.4 Three further specific objections in relation to concerns about access to non-agricultural property were raised in the following submissions:

- a) Submission / objection SCH- 33, states that *“The County Council have not made adequate provision for access to the retained dwelling house. A commitment is sought that access will be maintained at all times during construction”.*
- b) Submission / objection SCH- 60, states that *“The County Council have not made adequate provision for access to the retained dwelling house ... The landowner is objecting to sharing this sole access to their dwelling house with adjoining agricultural holdings”.*
- c) Submission / objection SCH- 106 indicates an area of concern including *“Proposed access off a service road”.*

### **Response - Agriculture**

5.3.5 The proposed road development will impact on existing accesses to agricultural lands and, where land severance occurs, the potential impact may result in the total loss of access to lands i.e. areas becoming landlocked, prior to mitigation.

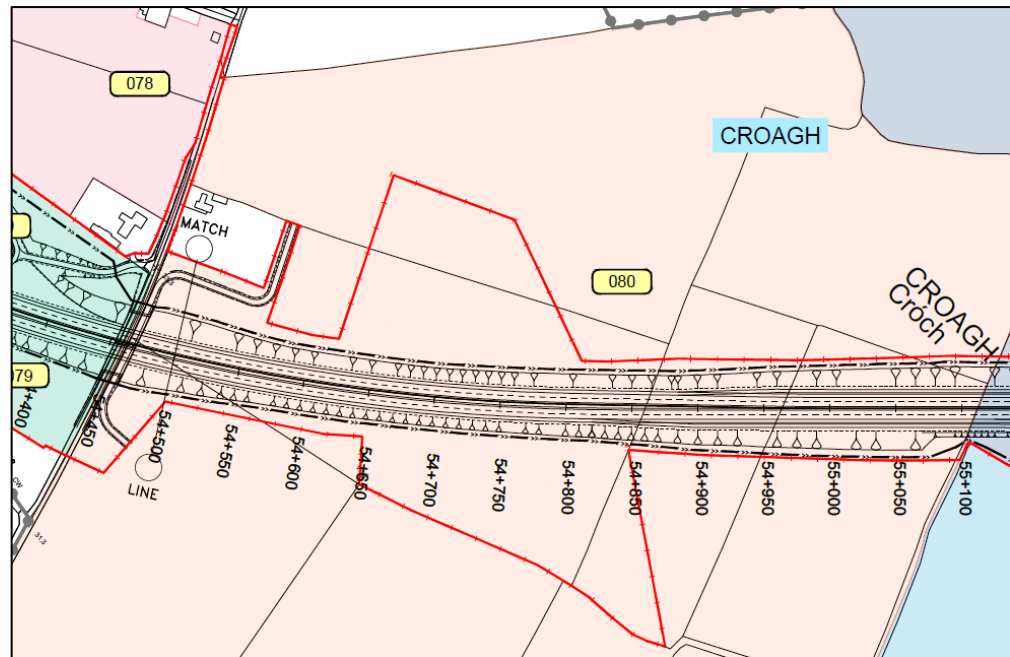


- 5.3.6 However, a suite of measures has been identified to mitigate the impact on access to agricultural lands arising from the proposed road development include the provision of access accommodation structures i.e. underpass or overbridge, access accommodation tracks, replacement field gates or a combination of the above. General mitigation measures for agricultural lands are outlined in section 15.5 of Chapter 15 of the EIAR which, in relation to access, confirms that:

*“Access will be restored to lands where it is removed or restricted... Access will be provided to lands via accommodation access tracks and the replacement of field access gates. The location of such field access gates will be at a suitable location and, where possible, with the agreement of the landowner.”*

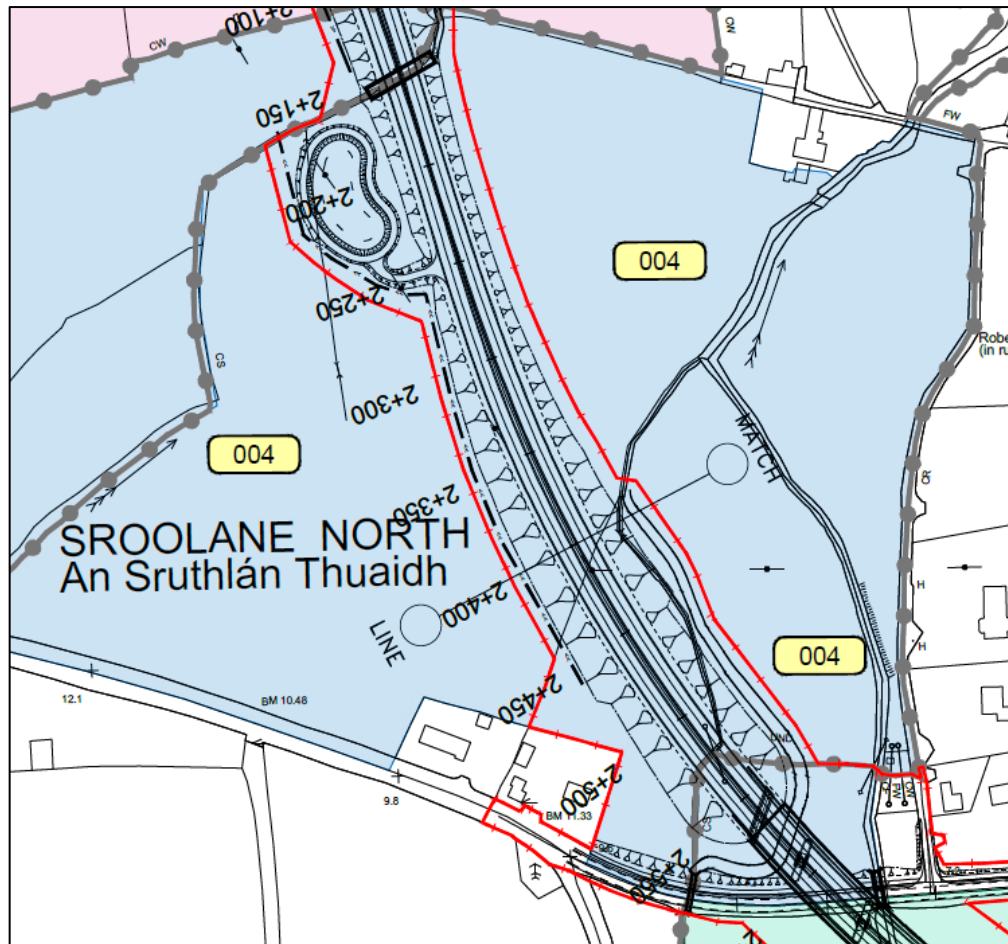
Specific mitigation measures for each landowner were also included in Table 15.6 of the EIAR. The farm underpasses proposed as part of the design of the proposed road development were detailed in Table 15.8 of the EIAR and are replicated in Appendix A of this Brief of Evidence for reference.

- 5.3.7 The specific mitigation measures to reinstate access to agricultural lands applying to each submission that raised this issue, are highlighted in the following:
- a) Submission / objection SCH- 4, 10, 17, 28, 44, 45, 46, 59, 75, 76, 80, 83, 99, 102, 104, 113 and 114: the mitigation measures in Section 15.5 of the EIAR, including general mitigation measures for access as outlined in paragraph 5.3.6 above will apply. Field access gates will be provided, and access will be restored to lands where it is removed or restricted. Accommodation access tracks have been provided where required.
  - b) Submission / objection SCH- 11, 16, 36, 41, 47, 51, 54, 76, 117 and 119: where land severance will occur, the proposed mitigation of the impact includes an access accommodation structure, where feasible. This structure will consist of an access accommodation underpass or overbridge. The details of all farm accommodation structures are presented in Table 15.8 of the EIAR and are reproduced in Appendix A of this Brief of Evidence.
  - c) Submission / objection SCH- 8 (Figure 1 Land holding 080): access to lands north of the proposed road will be via a private access overbridge structure (OB05) and access accommodation tracks. The structure and tracks will be suitable for the movement of both machinery and livestock between retained and severed lands.



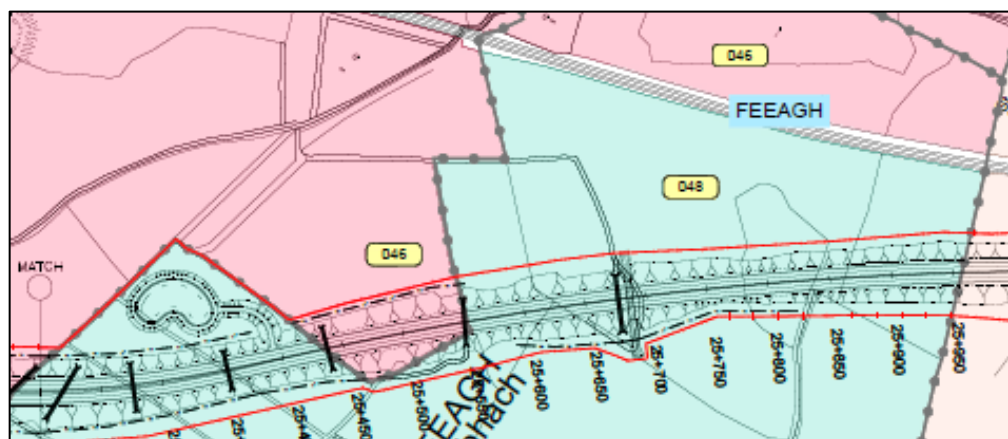
**Figure 1** Land holding 080

- d) Submission / objection SCH- 12 (Figure 2 Land holding 004): access to lands east and west of the proposed road development is available via the existing access gates on the local road network. Access to an area of land will require accommodation works which will be a matter for discussion and agreement between the landowner and Limerick City and County Council.



**Figure 2** Land holding 004

- e) Submission / objection SCH- 16 (Figure 3 Land holding 048): access from the proposed access accommodation structure to the existing farm road may require accommodation works which will be a matter for discussion and agreement between the landowner and Limerick City and County Council.



**Figure 3** Land holding 048

- f) Submission / objection SCH- 17 (Figure 4 - Land holding 068): access to lands south of the proposed road development will be via replacement field gates on Sideroad 12D. Access accommodation underpasses 11A and 11B are not proposed to be shared.

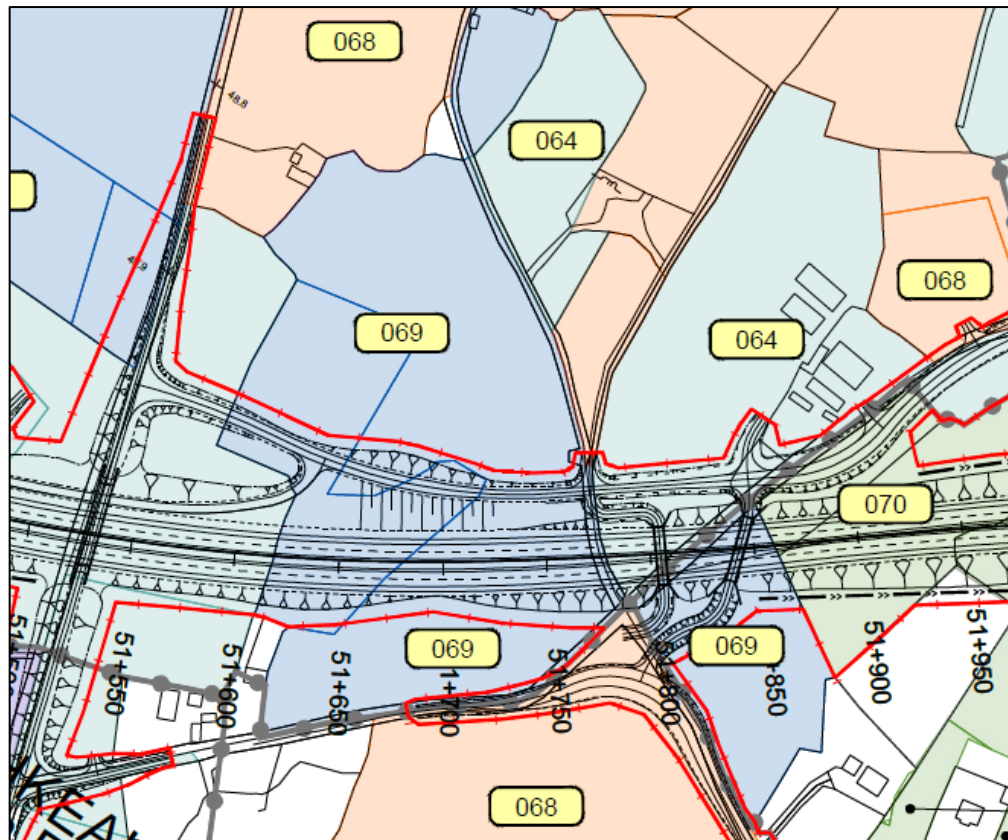


Figure 4 - Land holding 068

- g) Submission / objection SCH- 19 and 91 (Figure 5 Land holding 005): access to lands west of the proposed road development will be via existing field gates on local road (L-1222).

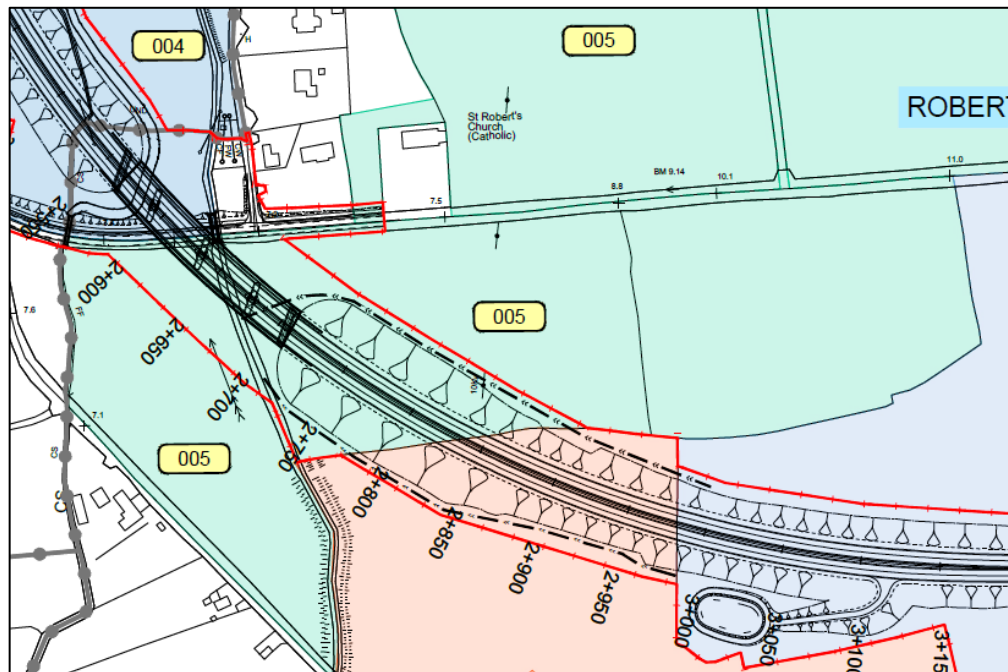
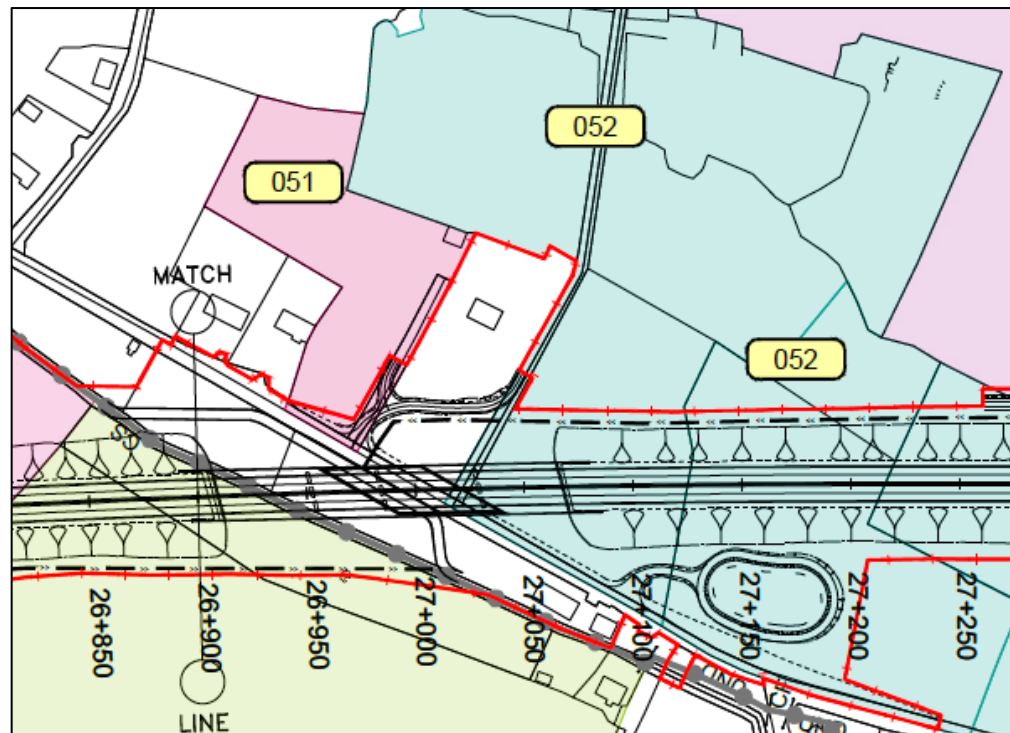


Figure 5 Land holding 005

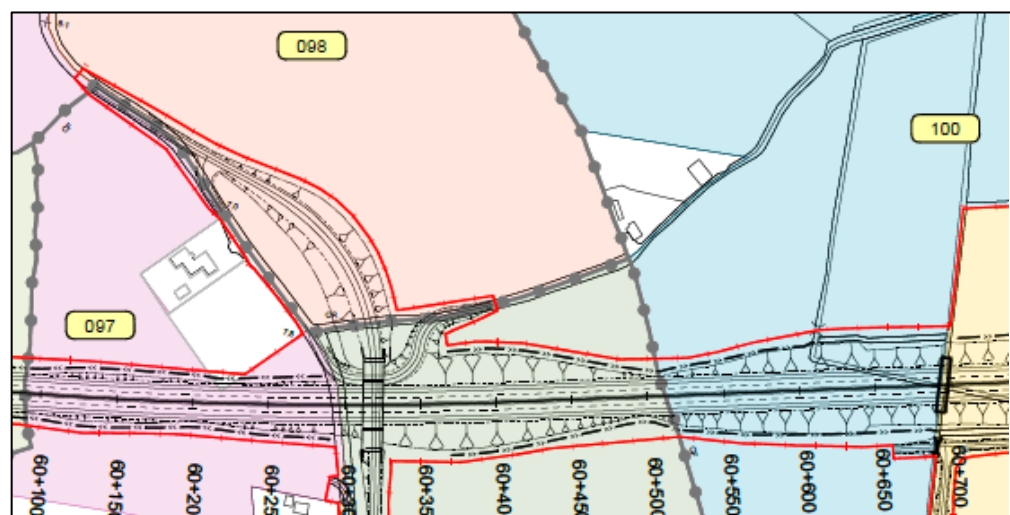


- h) Submission / objection SCH- 25 (Figure 6 Land holding 051): access to lands will be via access accommodation track and recessed entrance from the regional road (R-518).



**Figure 6** Land holding 051

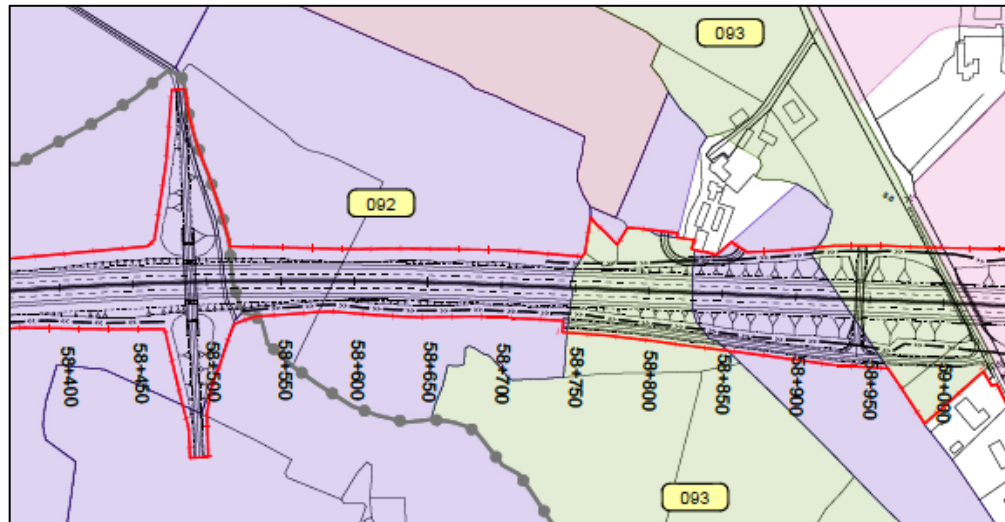
- i) Submission / objection SCH- 27 (Figure 7 Land holding 100): proposed access is via a realigned laneway to the local road (L-1423) and a minor junction with Sideroad 17. The proposed design is suitable for the turning movements of all vehicles requiring access to this property.



**Figure 7** Land holding 100

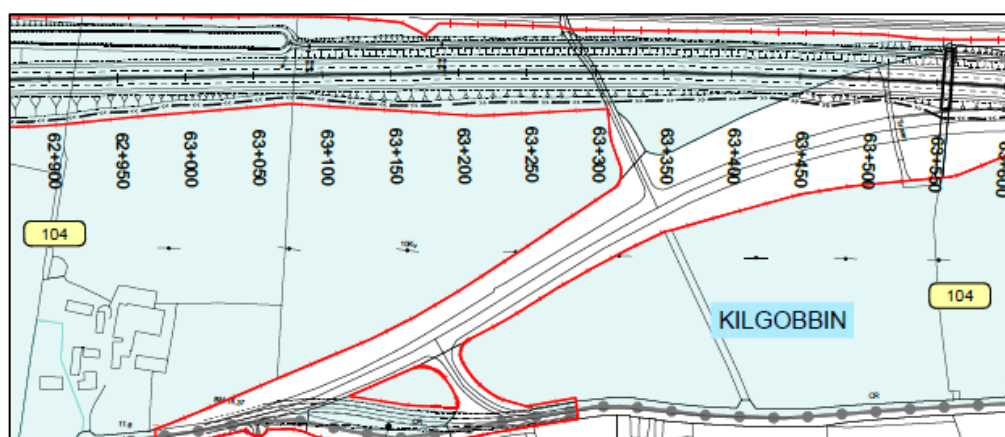
- j) Submission / objection SCH- 29: access to the drain adjoining the proposed service area lands will be unaffected.

- k) Submission / objection SCH- 40 (Figure 8 Land holding 092): access to severed and 'landlocked' lands is via an access accommodation overbridge and access accommodation tracks. Access from the proposed access accommodation overbridge to the existing farm road may require accommodation works which will be a matter for discussion and agreement between the landowner and Limerick City and County Council. The shared access with the neighbouring lands extends to a section of an access accommodation track only.



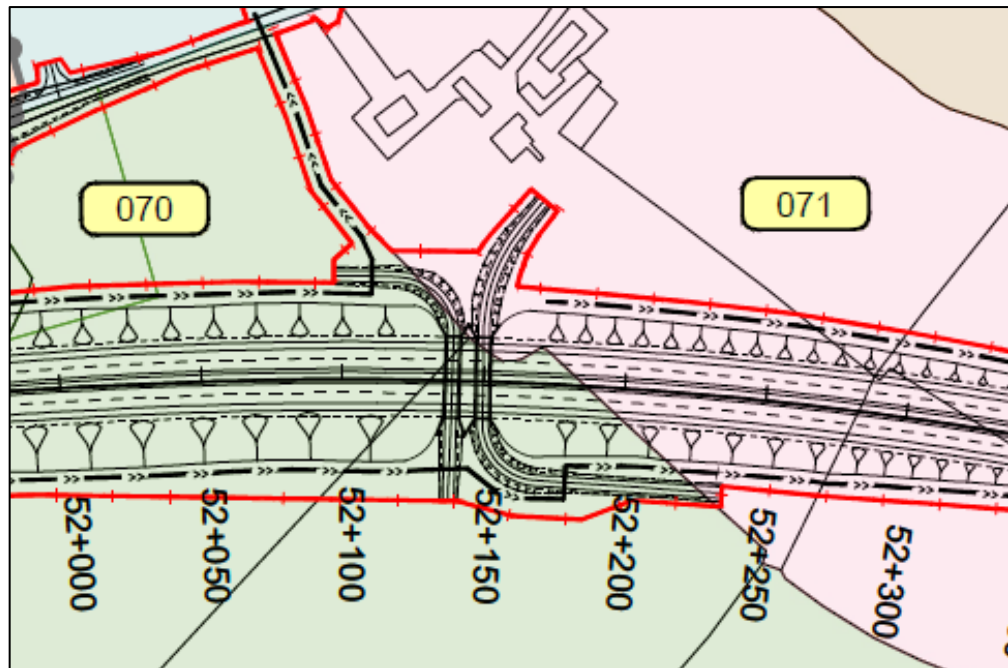
**Figure 8 Land holding 092**

- l) Submission / objection SCH- 44 (Figure 9 Land holding 104): access for dairy livestock via the existing underpass to lands south of the N21 will be maintained during construction until such time as an alternative access can be provided at a suitable location. Accommodation works outside of area of the compulsory acquisition may be required to realign or extend existing farm roads. Any accommodation works will be a matter for discussion and agreement between the landowner and Limerick City and County Council.



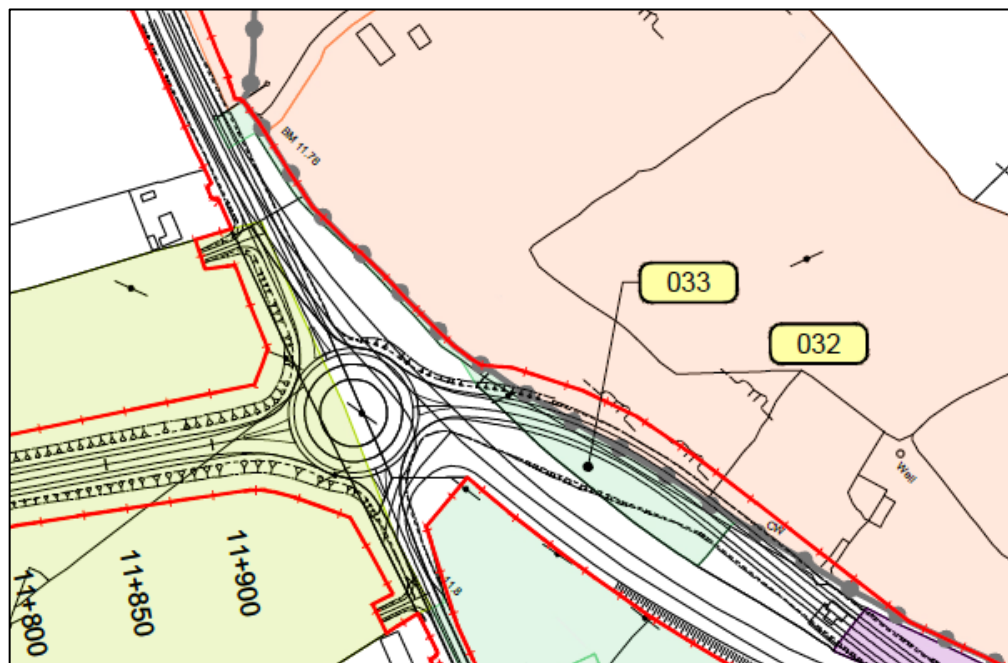
**Figure 9 Land holding 104**

- m) Submission / objection SCH- 47 (Figure 10 Land holding 071): access is proposed via access accommodation track and separate underpass (UP12B). This mitigation will ensure suitable access is provided to the severed lands.



**Figure 10** Land holding 071

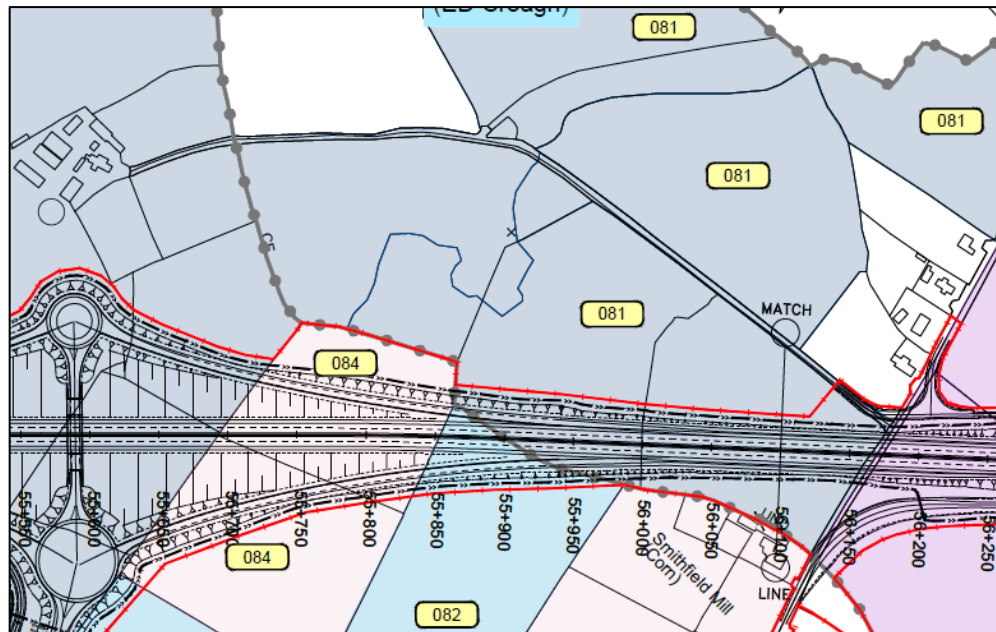
- n) Submission / objection SCH- 49 (Figure 11 Land holding 032): the existing access track to the 'old dwelling' as referenced in the submission, is part of the compulsory acquisition. Alternative access to the ruin is available through lands owned by the landowner.



**Figure 11** Land holding 032

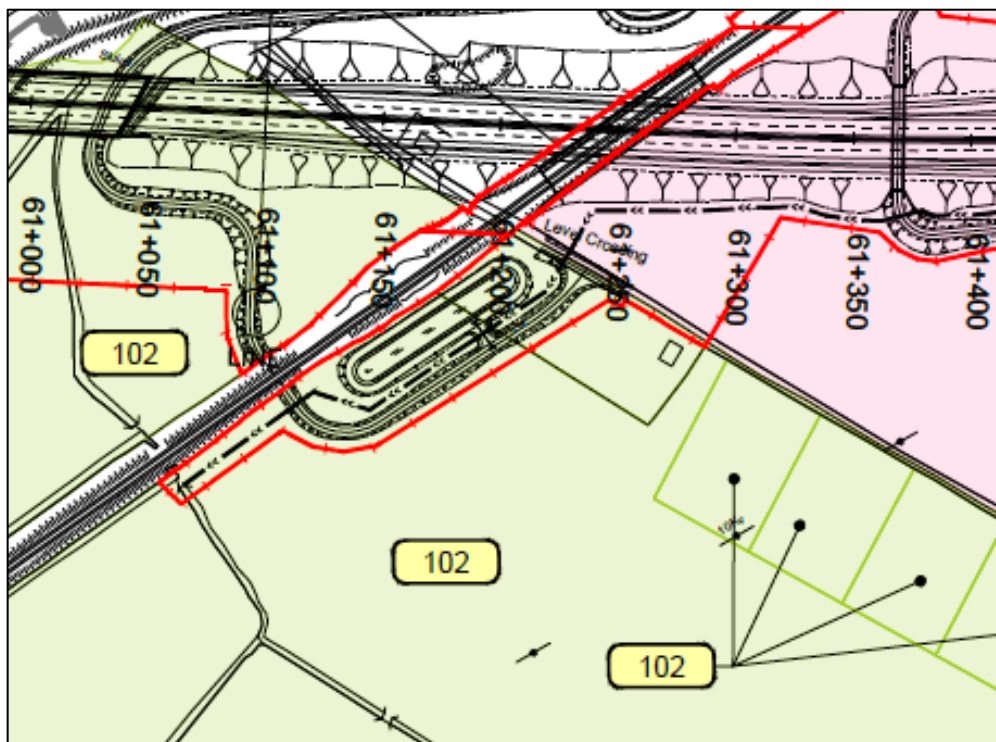
- o) Submission / objection SCH- 55 (Figure 12 Land holding 081): it is proposed that access to the retained lands will be restored via new alignment of local roads and accommodation track.





**Figure 12 Land holding 081**

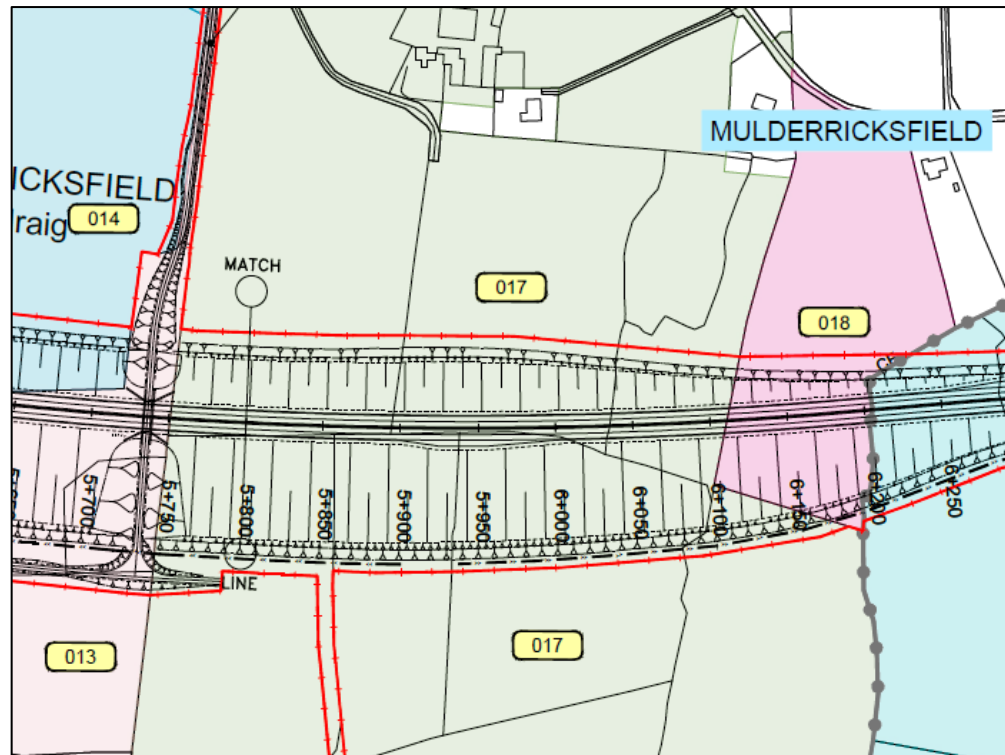
- p) Submission / objection SCH- 58 (Figure 13 Land holding 102): access to the retained lands will be restored via the accommodation track and existing level crossing (located west of Railbridge RB03) on the disused rail line.



**Figure 13 Land holding 102**

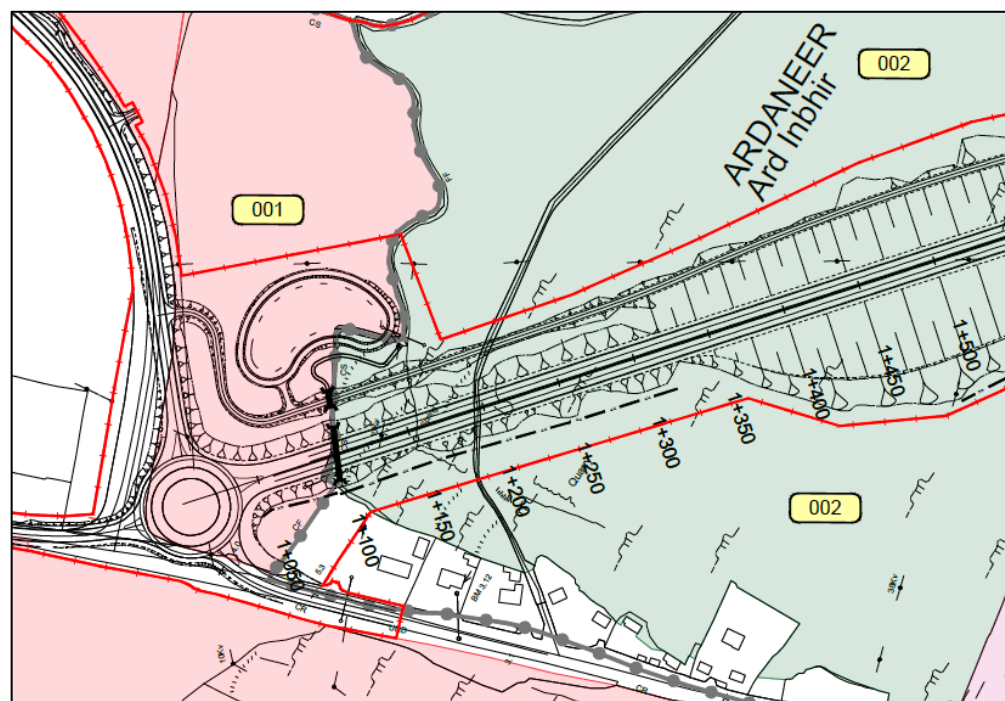
- q) Submission / objection SCH- 61 (Figure 14 Land holding 017): access to the severed lands is available via field access gates onto the access accommodation road (New Coopers Lane).





**Figure 14 Land holding 017**

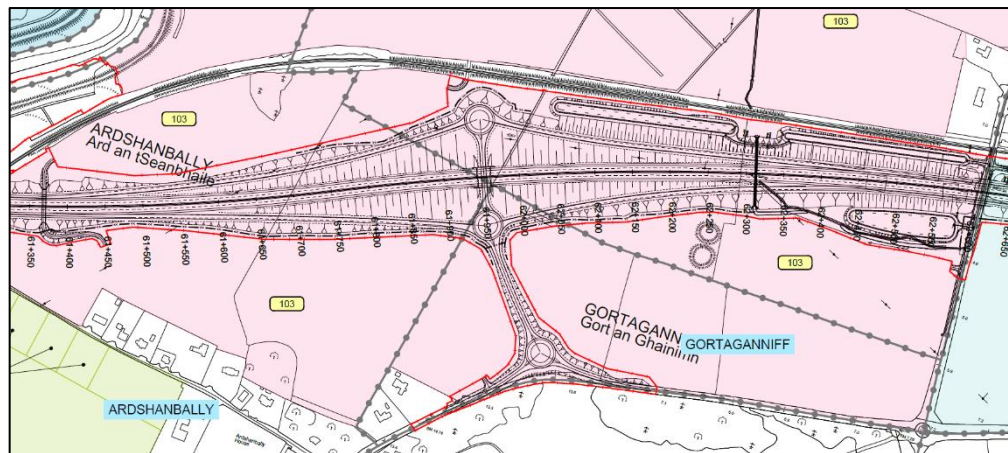
- r) Submission / objection SCH- 68 (Figure 15 Land holding 002: access to the severed lands are available via access accommodation road and field access gate from Junction 1B.



**Figure 15 Land holding 002**

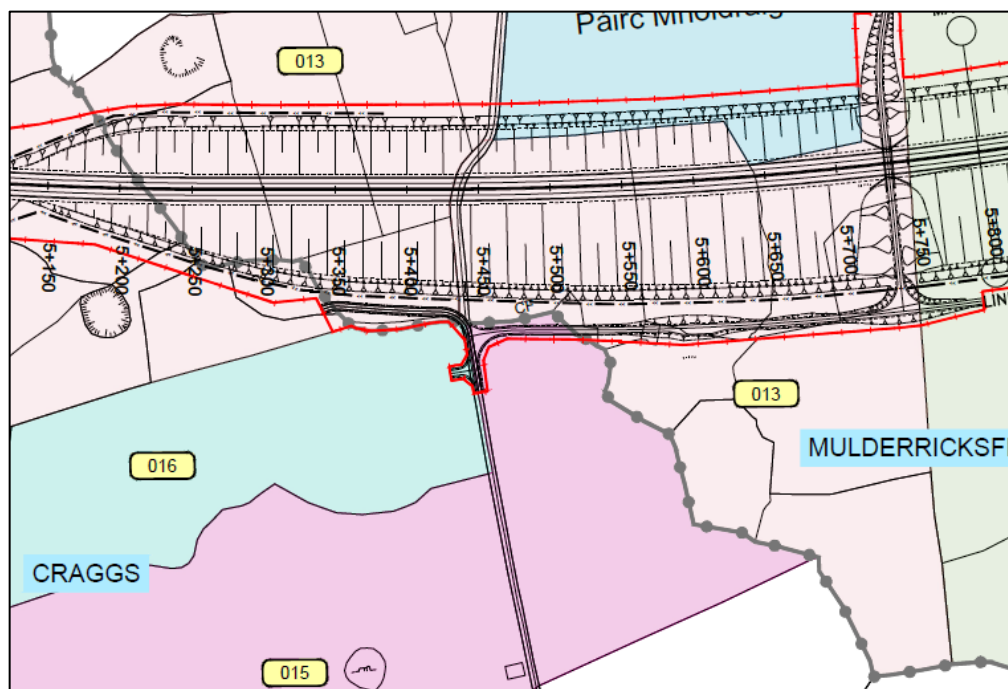
- s) Submission / objection SCH- 83 (Figure 16 Land holding 103), access between retained lands is proposed via access accommodation underpass (UP18) and an accommodation track to existing railway underpass (located north

of Junction 18H). The existing level crossing of the rail line is within the compulsory acquisition. Field access gates will be restored onto the N21 and local road (L-1424).



**Figure 16 Land holding 103**

- t) Submission / objection SCH- 84 (Figure 17 Land holding 013): access to retained lands will be maintained during construction until such time as the proposed access accommodation road (New Coopers Lane) is available for use.



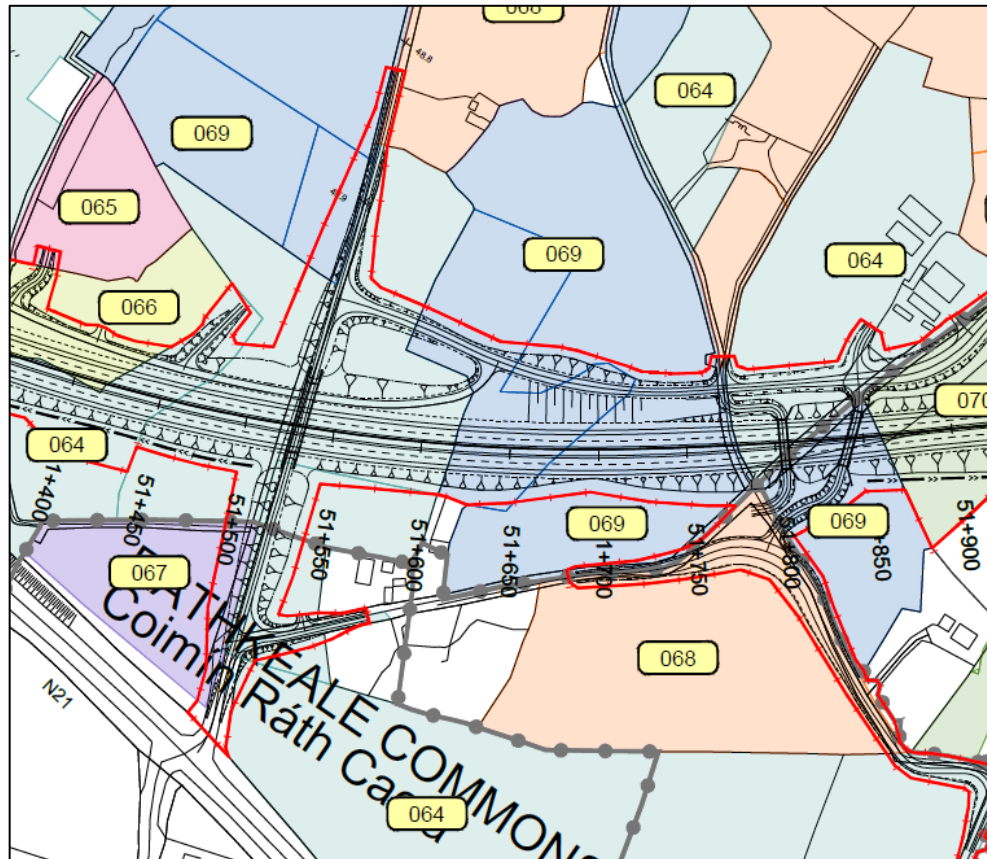
**Figure 17 Land holding 013**

EIAR Section 15.6.1 Construction Impact outlines mitigation regarding Restricted Access to Land during the construction phase. This explains that:

*“Access will be restored, as soon as possible, to lands where it is removed or restricted ... Good communication between individual farmers and the contractor will minimise difficulties caused by the restriction of access to lands.”*

The proposed design of the access accommodation road (New Coopers Lane) is suitable for use by all vehicles requiring access to this property.

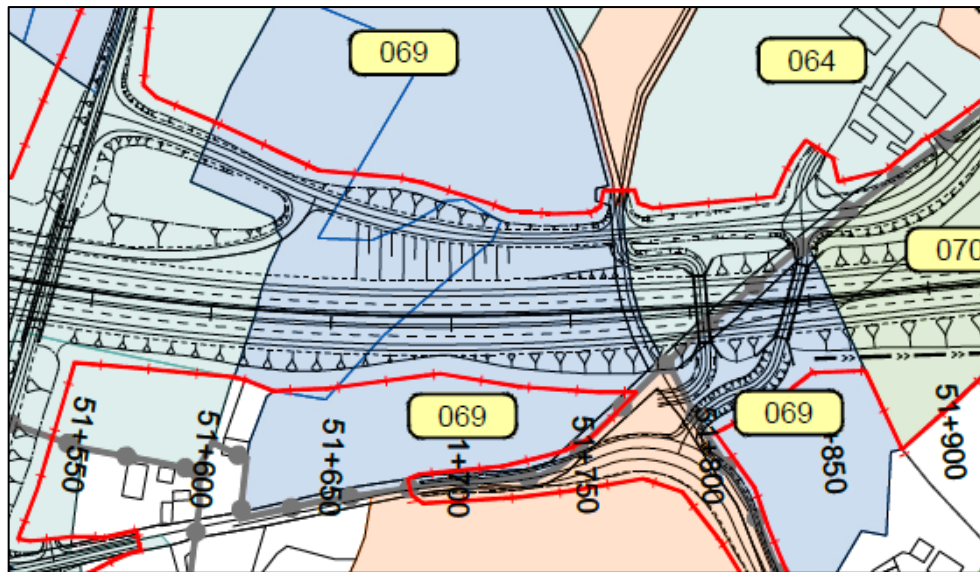
- u) Submission / objection SCH- 85 (Figure 18 Land holding 064): access between retained lands is proposed via private accommodation underpass (UP11B) and access accommodation tracks between Sideroad 12B and Sideroad 12D. Access to other retained lands is via field access gates onto Sideroads 12B, 12C and access accommodation tracks.



**Figure 18 Land holding 064**

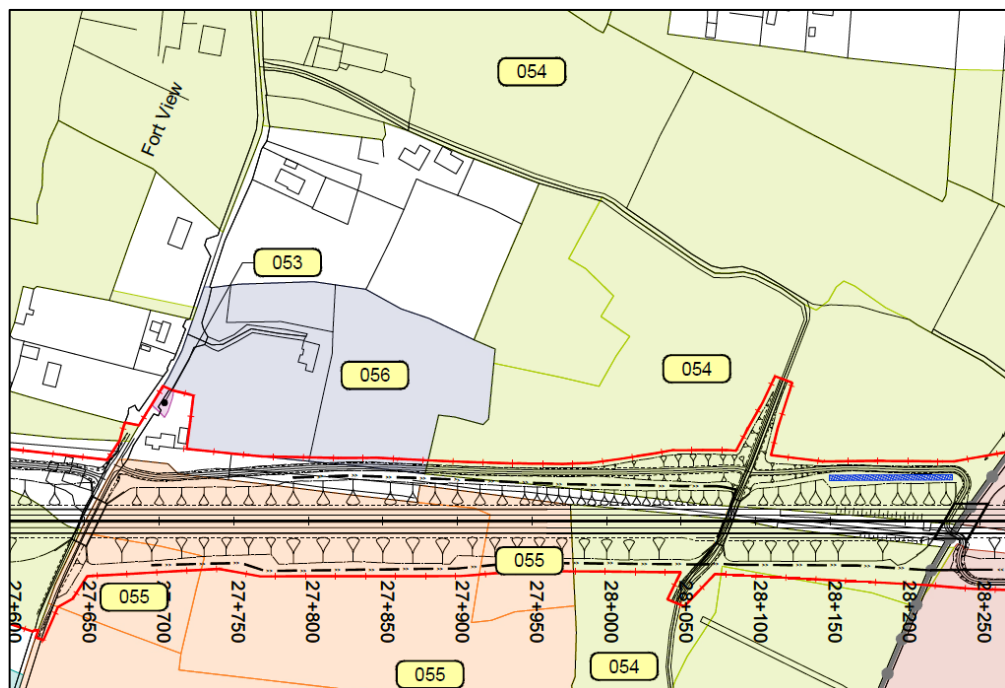
- v) Submission / objection SCH- 88 (Figure 19 Land holding 069): access between retained lands is proposed via private accommodation underpass (UP11A) and access accommodation tracks between Sideroad 12B and Sideroad 12D. The maintenance of the access structure, in terms of day-to-day cleanliness, will be the responsibility of the landowner. The maintenance of the access tracks will be the responsibility of the landowner.





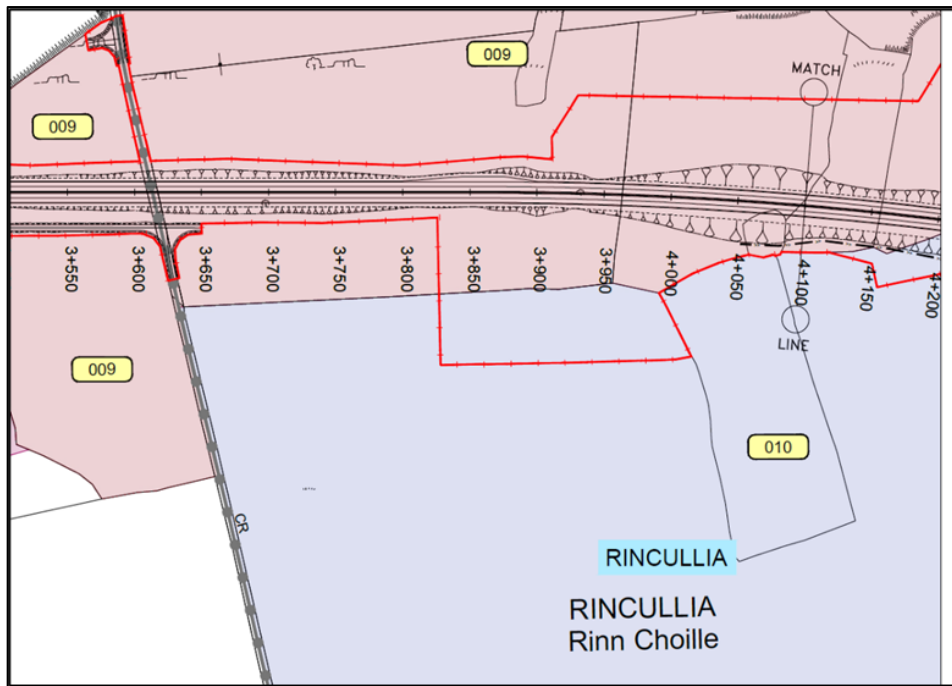
**Figure 19 Land holding 069**

- w) Submission / objection SCH- 92 (Figure 20 Land holding 054): access between retained lands is proposed via access accommodation underpass (UP09) and access accommodation tracks. Provision is made within the land take for a proposed Greenway which will be developed separate to this scheme. To accommodate this a simple system of gates will then be required to allow agricultural traffic and livestock cross the greenway.



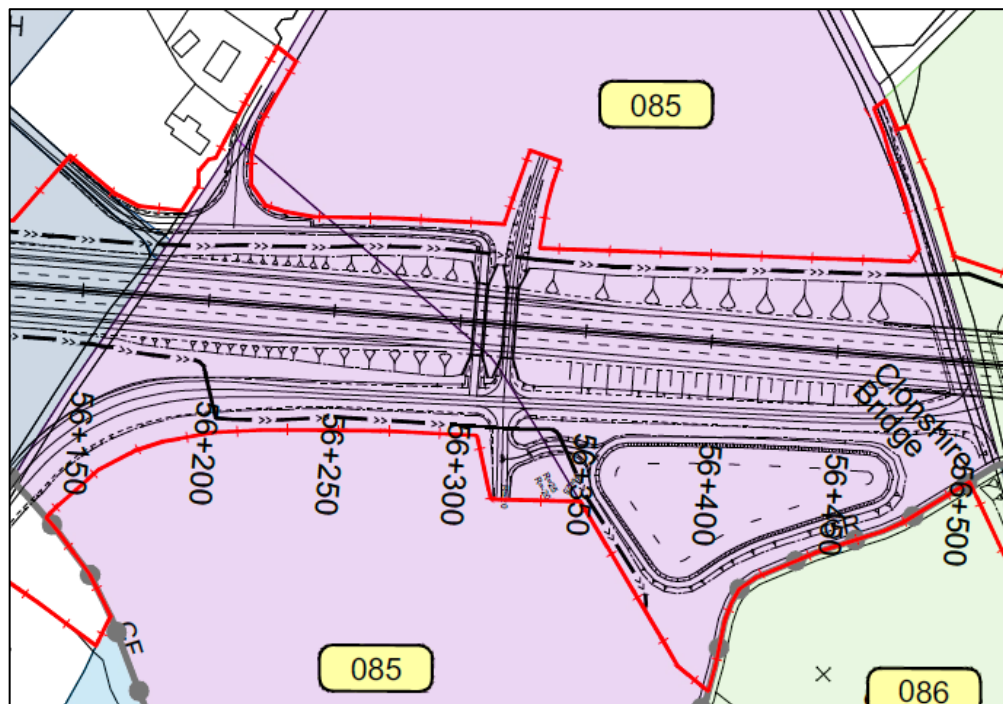
**Figure 20 Land holding 054**

- x) Submission / objection SCH- 94 (Figure 21 Land holding 010): access to the retained lands will involve additional travel due to the proposed closure of the local road (L-6068). The disturbance and costs associated with the additional travel to access lands will be a matter for compensation.



**Figure 21 Land holding 010**

- y) Submission / objection SCH- 110 (Figure 22 Land holding 085): access between retained lands is proposed via private access accommodation underpass (UP14B) and access accommodation tracks. Details of the underpass are provided in Table 15.8 of the EIAR and Appendix A of this Brief of Evidence.



**Figure 22 Land holding 085**

- z) Submission / objection SCH- 115 (Figure 23 - Land holding 009): access to retained lands located south of the proposed road development from Ch. 3+425 – 3+825m will involve additional travel due to the proposed closure of the local

road (L-6068). The disturbance and costs associated with the additional travel to access lands will be a matter for compensation.

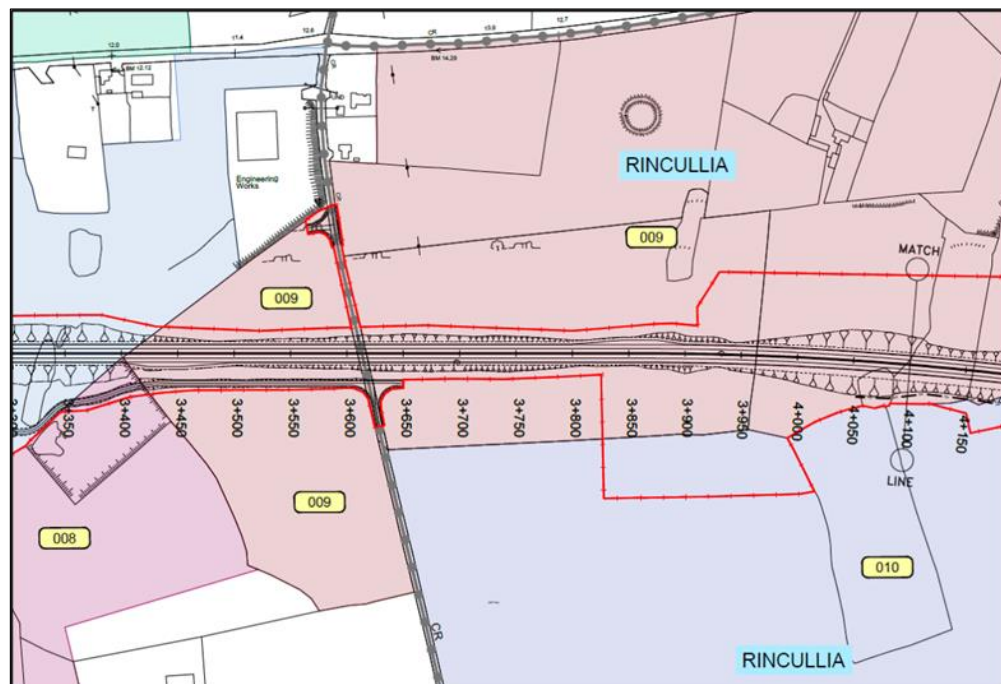


Figure 23 - Land holding 009

### Response – Non-agriculture

5.3.8 Measures to mitigate the impact on access to non-agricultural property arising from the proposed road development include the provision of alternative access and restoration of entrances. General mitigation measures for non-agricultural property are outlined in Section 16.5 of Chapter 16 of the EIAR, and in relation to access, confirms that:

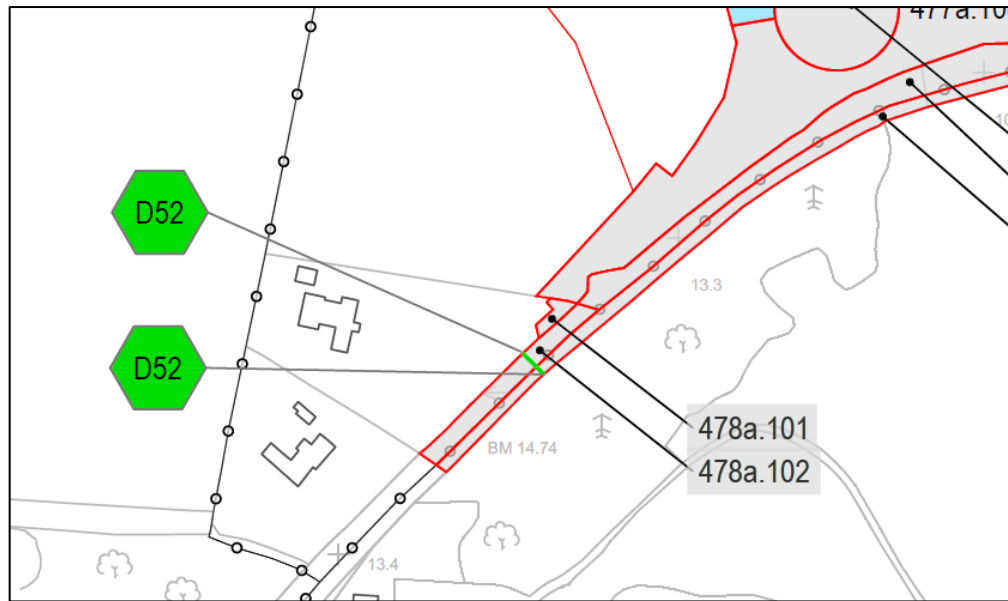
*“Access will be maintained to all affected property as much as possible and if interrupted will be restored without unreasonable delay.”*

5.3.9 Measures to mitigate the construction impact on access to non-agricultural property arising from the proposed road development are outlined in section 16.6 of Chapter 16 of the EIAR, and it is confirmed in relation to access that:

*“Access will be maintained to all affected property as much as possible and if interrupted will be restored without unreasonable delay. Traffic management measures will be put in place during construction where temporary or minor diversions are required.”*

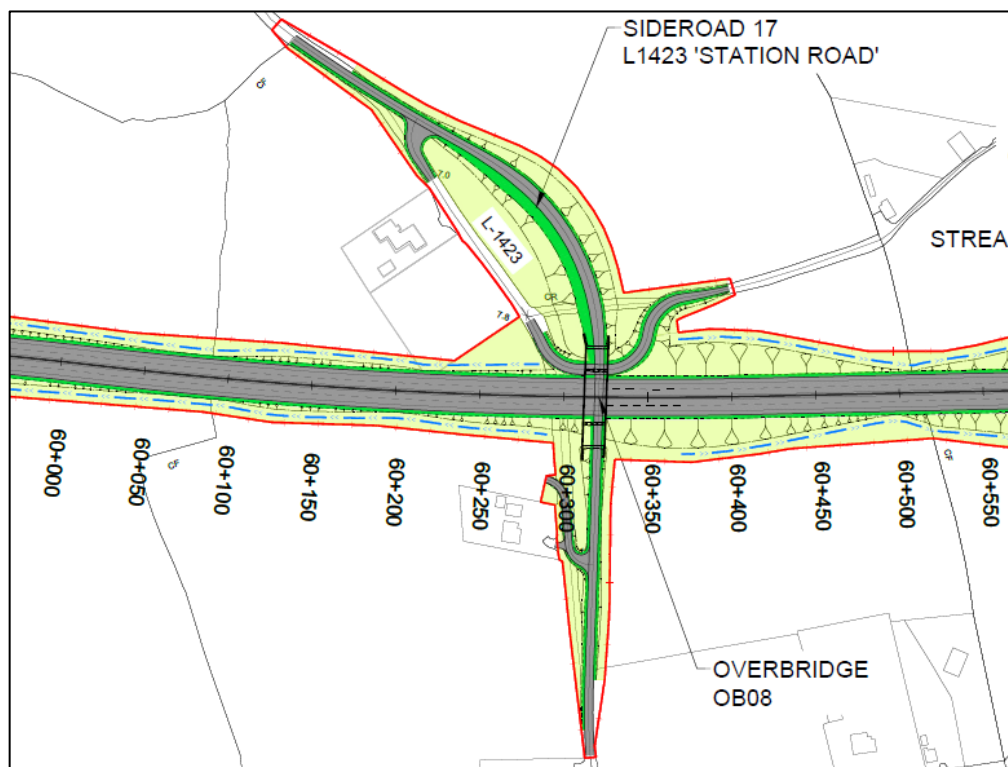
5.3.10 The specific mitigation measures to reinstate access to non-agricultural lands applying to each submission that raised this issue, are highlighted in the following:

- a) Submission / objection SCH- 5, 22, 31, 49, 52, 63, 65, 79, 105 and 109: the mitigation measures in Section 16.5 of the EIAR, including general mitigation measures for access as outlined in paragraph 5.3.8 above and the maintenance of access during construction as outlined in paragraph 5.3.9 will apply.
- b) Submission / objection SCH- 33 (Figure 24 CPO 478): the shared access road in front of the property entrance will be re-instated. Measures to mitigate the construction impact on access are addressed in Section 5.3.9 of this brief.



**Figure 24 CPO 478 (From FLRS Deposit Mapping)**

- c) Submission / objection SCH- 60 (Figure 25 Sideroad 17): access will be re-instated to the property road via a connection to Sideroad 17. This road will remain a public road and is proposed to connect to the Islandea road via the realignment of access under Overbridge OB08.



**Figure 25 Sideroad 17 (From Fig.4.45 of the EIAR)**

- d) Submission / objection SCH- 106 (Figure 26 Sideroad 13): access is proposed off an accommodation access road off Sideroad 13.



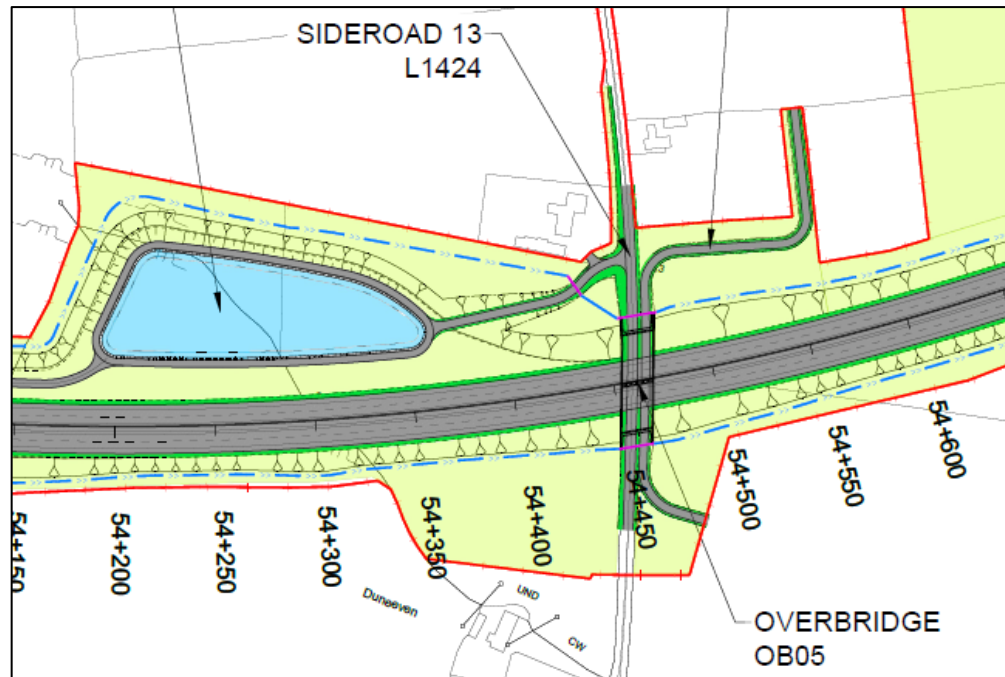


Figure 26 Sideroad 13

#### 5.4 Accommodation Works

##### Issues raised in submissions / objections

- 5.4.1 The following submissions have also requested further detail on the access tracks / passing bays / underpasses / local road diversions / underbridges / overbridges to be provided: SCH- 4, 7, 48, 67, 81, 90, 106, 110, 114.
- 5.4.2 Submissions SCH- 1, 13, 15, 27 and 120 state that the schedule of accommodation works is inadequate.

##### Response

- 5.4.3 Details of accommodation works are included in Ch. 4 of the EIAR and include the following:

- a) Figure 27 Typical Farm Underpass (Plate 4.59 of EIAR)

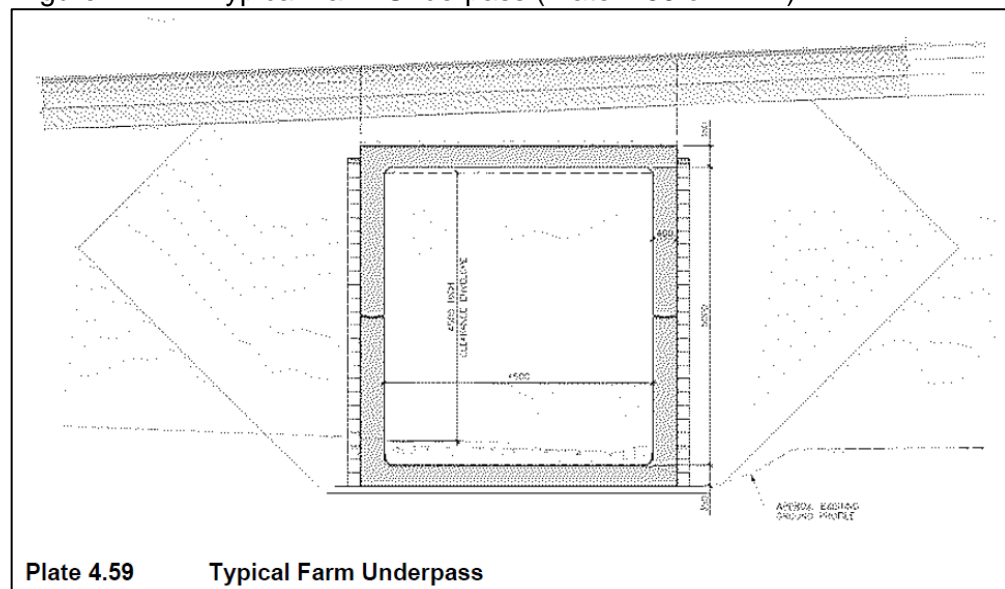
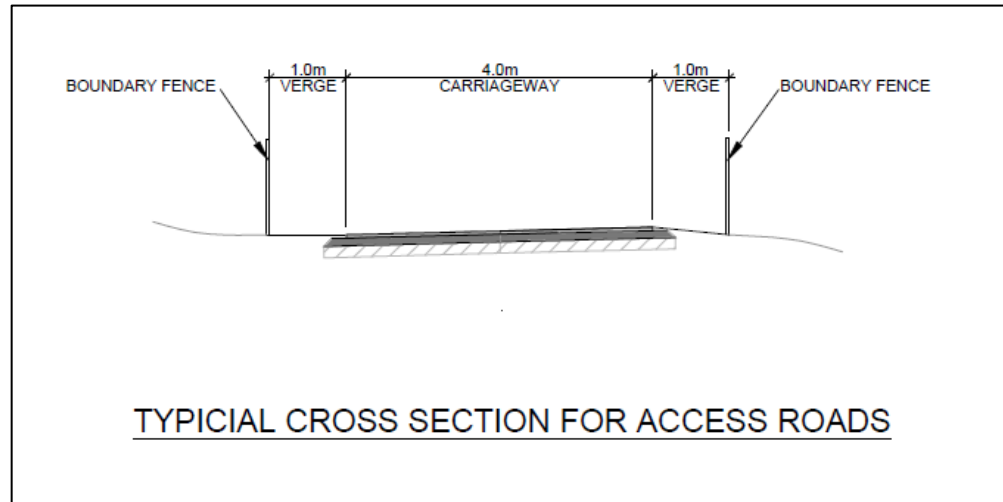


Plate 4.59 Typical Farm Underpass



**Figure 27 Typical Farm Underpass (Plate 4.59 of EIAR)**

- b) The cross section for access tracks (Figure 28 Typical Cross Section for Access Roads (From Fig. 4.70 of EIAR)) will consist of a 4m paved width with two 1m verges on either side.



**Figure 28 Typical Cross Section for Access Roads (From Fig. 4.70 of EIAR)**

- 5.4.4 The cross section for passing pays will consist of an increased paved width over that shown in Figure 28 to a maximum width of 6.5m. The full passing bay width shall be provided over a distance of 20m. Entry and exit transitional tapers shall be 10m in length. Where required, the maximum distance between passing laybys, measured from tip of taper to tip of taper, shall be 250m.
- 5.4.5 Section 13.3 of the Engineering Brief of Evidence (Part B) provides details on the cross sections of accommodation tracks.
- 5.4.6 In response to Submissions SCH- 1, 13, 15, 27 and 120, sufficient mitigation measures have been provided to reinstate access to farms and properties to ensure connectivity and to reduce the impact.

## 5.5 Impact on property

### Issues Raised in Submissions / Objections

- 5.5.1 Twelve submissions / objections to the CPO on agricultural lands objected to the proposed road development in relation to the predicted impacts on retained lands, the farm enterprise and / or the farm viability. The following objections / submissions raised this point: Submissions SCH - 1, 8, 11, 13, 15, 21, 23, 44, 64, 73, 94 and 107.
- 5.5.2 Six submissions / objections to the CPO of the proposed road development claim that the cumulative impact on agricultural lands is inappropriate. The following objections / submissions raised this point: Submissions SCH- 7, 48, 81, 90, 110 and 114.
- 5.5.3 Seven submissions / objections to the CPO of agricultural lands for the proposed road development claim the loss of future site potential or property devaluation. The following objection / submissions raised this point: Submissions SCH- 6, 10, 43, 69, 74, 112 and 113.

5.5.4 Specific objections were raised in the following submissions:

- Submission SCH- 16 states that an existing Crag which is used for out-wintering animals is being acquired as part of the CPO.
- Submission SCH- 19, 31, 33, 55, 58, 62 stated that *"the County Council has not specified how it proposes to protect the dwelling house from noise, vibration, illumination and other forms of pollution into the future."*
- Submission SCH- 55, indicated a concern that *"the close proximity of the works to the dwelling house and associated buildings may result in structural damage."*
- Submissions SCH- 76 and 84, indicated concerns that the integrity of slatted tanks may be compromised by nearby construction works.
- Submission FI – 8 states *"The impacts on agriculture will be substantial ...the applicants deem this land-take is not significant nationally nor on a County basis... The unnecessary extra land take of productive land will be an enormous loss to the farming community ...Viable family farm units at present will be rendered unviable ...The farming community is in danger of being compelled to accept enormous cost and upset to their way of life and their livelihood for something that is not actually going to benefit the wider community that much at all."*

**Response - Agriculture**

- 5.5.5 The agricultural impact of the proposed road development has been assessed in Chapter 15 Material Assets & Land – Agriculture in the EIAR and details of the assessment of the impact on individual farms is presented in Table 15.6 of the EIAR and summarised in Section 15.4.4 of the EIAR.
- 5.5.6 The individual impact assessments reflect the direct impacts on agricultural property arising from the construction and operation impacts of the proposed road development.
- 5.5.7 In response to Submissions SCH- 19, 31, 33, 55, 58 and 62, the impact on dwelling houses and the mitigation measures proposed in relation to Air Quality, Noise and Vibration and Visual impacts have been assessed in chapters 11, 12 and 13 of the EIAR and responses to submissions relating to these topics are provided by the relevant specialists in their Briefs of Evidence.
- 5.5.8 The assessment of the significance of impact on agricultural property is based on Environmental Protection Agency guidance with seven degrees of impact significance. The criteria used to determine the impact of significance are shown in Tables 15.2, 15.3 and 15.4 of Chapter 15 of the EIAR and include the baseline rating criteria, the magnitude of impact criteria and the significance of the impact criteria.
- 5.5.9 For properties related to Submissions SCH- 1, 7, 8, 11, 44, 55, 73, 110 and 114, the residual impact was determined to be a Significant Negative Impact. The primary impact in each case is a high degree of landtake and land severance is relevant for No.'s 7, 8, 11, 44 and 110.
- 5.5.10 For properties related to Submissions SCH- 13, 15, 19, 21, 23, 48, 64, 90 and 94, the residual impact was determined to be a Moderate Negative Impact. The impact is due to landtake and the disturbance of operational activities due to land severance. The mitigation of land severance for Submission No.'s 13, 21 and 90 has provided for accommodation underpasses and accommodation access tracks.

5.5.11 For properties related to Submissions SCH- 43, 81 and 107, the residual impact was determined to be a Slight Negative Impact. The impact on these farms, post mitigation, is such that the farm enterprise can be continued as before but with minor management changes.

5.5.12 In response to Submission SCH- 16 (Figure 29 Land holding 048), the acquisition of an area of Crag has been considered in the assessment of the impact on the agricultural property.

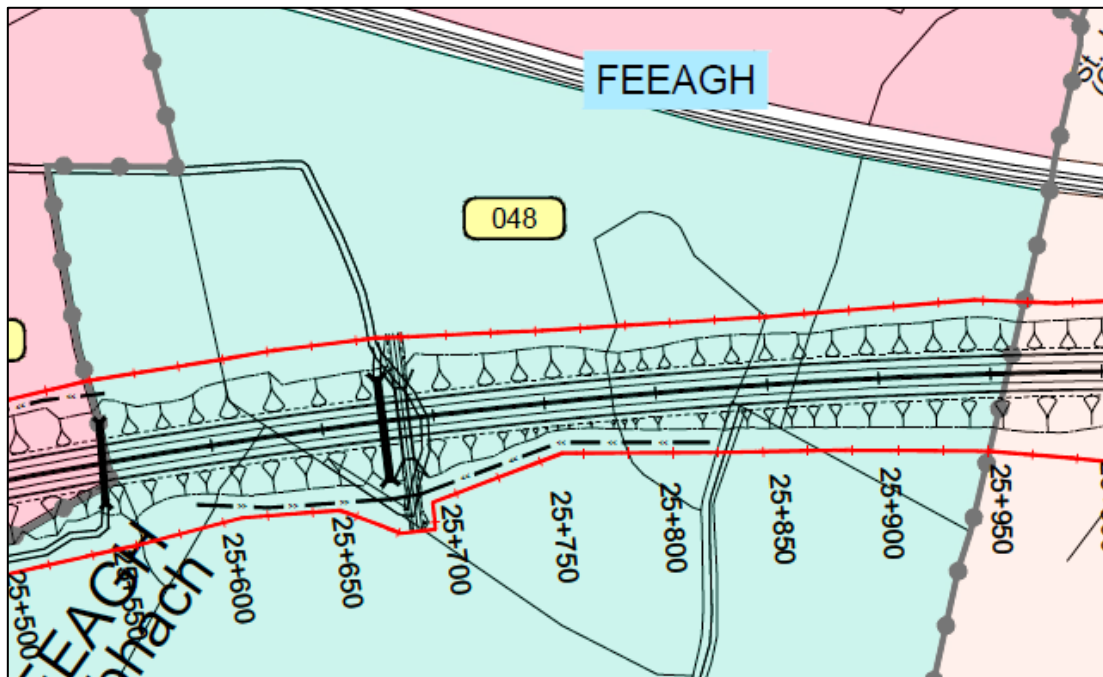


Figure 29 Land holding 048

5.5.13 In response to Submissions SCH- 55 and 84, issues raised in relation to concerns regarding structural damage as a result of construction are dealt with in the Engineering Brief of Evidence.

5.5.14 Any loss of future site development potential of retained lands due to acquisition of lands for the proposed road development, raised in Submissions SCH- 6, 10, 43, 74, 112 and 113 may be considered in the context of a claim for compensation.

5.5.15 In response to Submission FI-8, it is accepted that the impact arising from landtake and other impacts will be significant on some individual farms and agricultural properties. The high level of landtake on some farms, and in cases where it is combined with severance of lands, will have a significant impact on the continued operation of these farming enterprise(s). The assessment of the impact of the proposed road on individual farms is presented in Table 15.6 of the EIAR. A summary of the agricultural impact, pre-mitigation, is presented in Table 15.7 and the residual impact is presented in Table 15.9 of the EIAR.

#### Response – Non-agriculture

5.5.16 The non-agricultural impact of the proposed road development has been assessed in Chapter 16 Material Assets & Land – Non-Agriculture in the EIAR and details of the assessment of the impact on individual properties is presented in Table 16.5 and summarised in Section 16.4 of the EIAR.

- 5.5.17 The individual impact assessments reflect the direct impacts on non-agricultural property arising from the construction and operation impacts of the proposed road development.
- 5.5.18 In response to Submissions SCH- 6, 10, 43, 69, 74, 112 and 113, any loss of future site development potential of retained lands due to acquisition of lands for the proposed road development, may be considered in the context of a claim for compensation.

## **5.6 Boundary Impact and Boundary Fence Type**

### **Issues Raised in Submissions / Objections**

- 5.6.1 Forty-seven submissions / objections to the CPO on agricultural lands objected to the proposed road development in relation to the impact on existing field / property boundary or lack of boundary treatment details. The following objections / submissions raised this point: Submission SCH- 4, 7, 8, 10, 16, 19, 20, 25, 28, 32, 36, 38, 39, 40, 41, 44, 45, 46, 48, 49, 55, 56, 57, 58, 59, 62, 68, 73, 75, 81, 83, 86, 87, 90, 91, 96, 99, 101, 104, 106, 110, 111, 114, 115, 117, 118 and 119.
- 5.6.2 Submissions / objections SCH- 32, 45 and 118 indicated that the boundary treatment must be suitable for horses.
- 5.6.3 The following specific objections on agricultural property were also raised:
- a) Submission / objection SCH- 87 requested that the natural stone wall and mature stock-proof hedge is replaced on a like-for-like basis.
  - b) Submission / objection SCH- 111 indicated a lack of detail on *“how it proposes to replace the new boundary treatment affected by the proposed scheme” and is “requesting a replacement hedge to be supplied to restore his boundary treatment”*.
- 5.6.4 Ten submissions / objections in relation to non-agricultural property raised concerns about potential impacts on the existing property boundary. The following submissions / objections raised these points: Submissions SCH- 5, 22, 31, 33, 63, 65, 79, 82, 105, 109.
- 5.6.5 The following specific objections on non-agricultural property were also raised:
- a) Submission / objection SCH- 52 indicated a lack of detail on replacement boundary treatment for existing stone wall.
  - b) Submission / objection SCH- 82 objected due to *“an existing stone wall is being acquired and will need to be replaced on a like for like basis”*.
  - c) Submission / objection SCH- 86 indicated a lack of detail on *“how it proposes to replace the new boundary treatment affected by the proposed scheme”*.

### **Response - Agriculture**

- 5.6.6 The boundary treatment details for agricultural property are referenced in Section 15.5 Mitigation Measures for Agriculture in the EIAR and include:

*“... permanent fencing will be a stock-proof timber post fence in accordance with TII CC-SCD-00301 and TII CC-SCD-00320. Where permanent fencing occurs within the clear-zone area it will be timber post and tension mesh construction in accordance with CC-SCD-00320. At locations beyond the clear-zone the fence*

*may be timber post and rail construction with PVC coated chain link complying with TII CC-SCD-00301."*

- 5.6.7 Details of boundary treatment TII CC-SCD-00301 (Figure 30 Plate 4.72 of the EIAR) and TII CC-SCD-00320 (Figure 31 Plate 4.73 of the EIAR) are included in Section 4.12 of the EIAR.

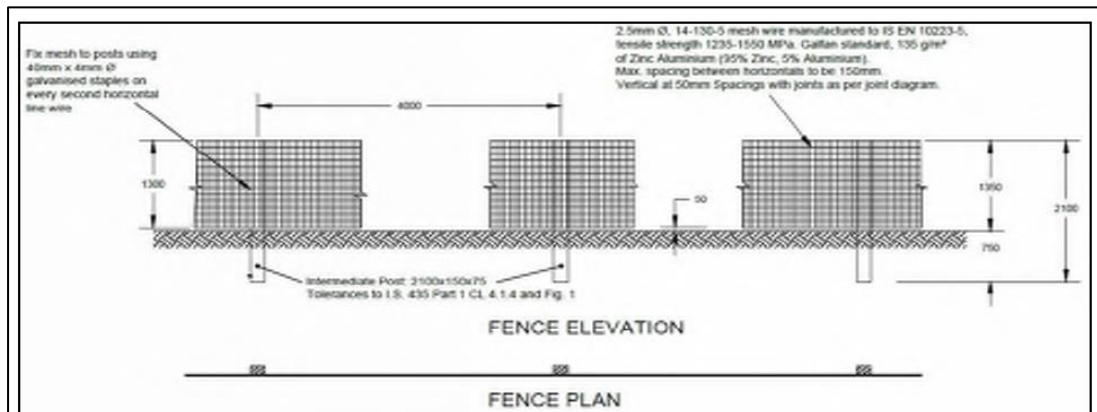


Plate 4.72 Typical Timber Post and Tension Mesh Fence

Figure 30 Plate 4.72 of the EIAR

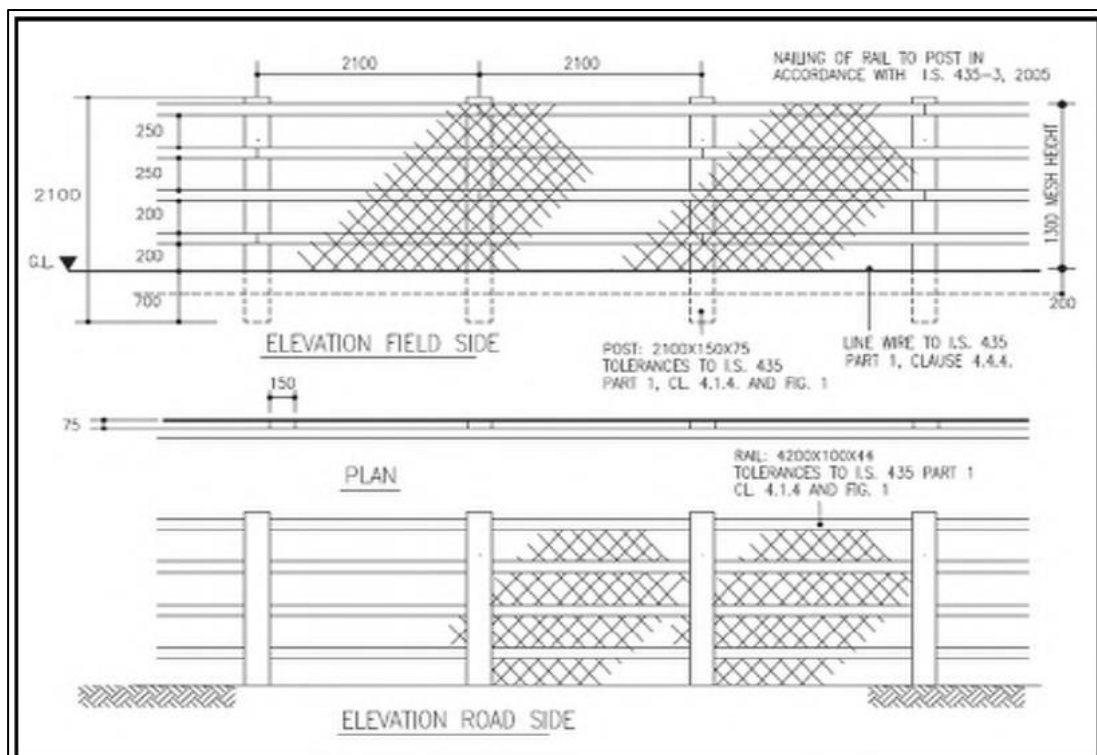


Plate 4.73 Typical Timber Post and Rail Fence

Figure 31 Plate 4.73 of the EIAR

- 5.6.8 The maintenance of boundary fencing for agricultural property will be assessed on a case-by-case basis according to the location of the fence with some fencing being maintained by Limerick City and County Council and in other cases being maintained by the adjacent landowner.

- 5.6.9 For properties related to submissions / objections SCH- 32, 45 and 118: for agricultural properties with equine stock the boundary treatment is referenced in Section 15.5 Mitigation Measures for Agriculture in the EIAR and includes:

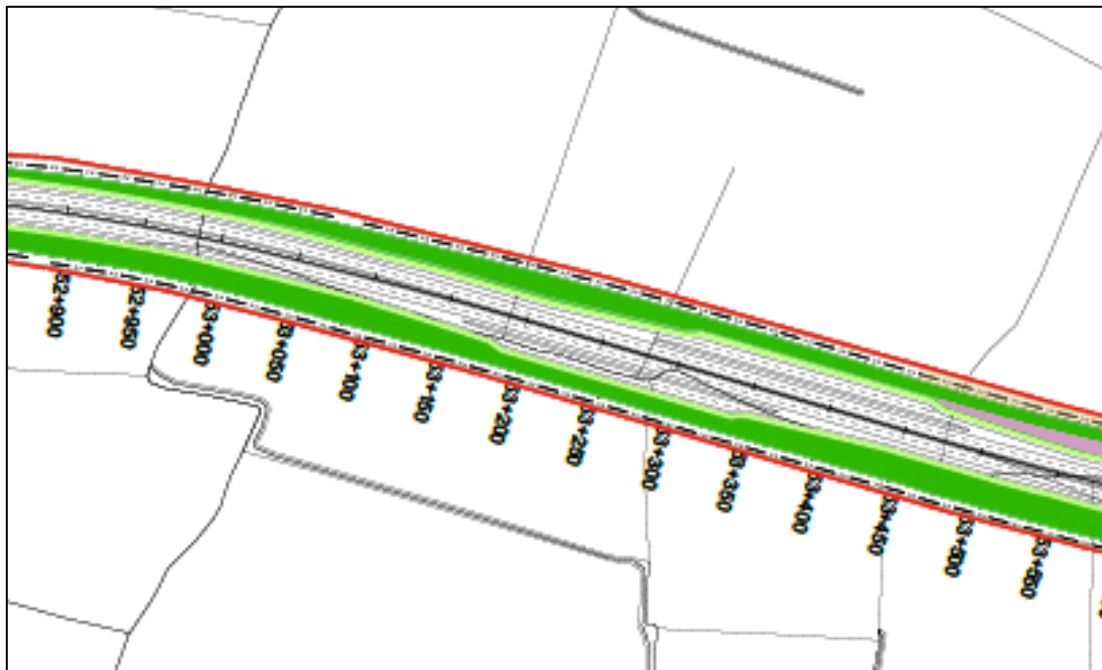
*“... permanent fencing will be a stock-proof timber post fence in accordance with TII CC-SCD-00302 and TII CC-SCD-00321. Where permanent fencing occurs within the clear-zone area it will be timber post and tension mesh construction in accordance with CC-SCD-00321. At locations beyond the clear-zone the fence may be timber post and rail construction with PVC coated chain link complying with TII CC-SCD-00302.”*

- 5.6.10 Details of boundary treatment for agricultural properties with equine stock are separately presented in the Equine Brief of Evidence.

- 5.6.11 The boundary treatment for agricultural properties on non-national side-road tie-ins with the proposed road is referenced in Section 15.5 Mitigation Measures for Agriculture in the EIAR and includes:

*“the permanent fencing will be timber post and rail fence with chain-link wire mesh in accordance with TII CC-SCD-00301 unless otherwise agreed with the landowner and will be maintained by the landowner.”*

- 5.6.12 For properties related to submissions / objections SCH- 87 and 111: the boundary treatment will be per paragraph 5.6.6 of this brief. The proposed landscape mitigation measures at this location (Figure 32 From Fig. 11.15 of the EIAR) include planting along the proposed boundary per Fig. 11.15 of the EIAR.



**Figure 32** From Fig. 11.15 of the EIAR

- 5.6.13 In response to Submission SCH- 104, the boundary will not be affected by the proposed road development as the L-1423 Station Road will be realigned into the field on the opposite eastern side of the road.

### **Response – Non-agriculture**

5.6.14 The boundary treatment details for non-agricultural property are referenced in Section 16.5 Mitigation Measures for Non-Agricultural Property in the EIAR and include:

*“Where part of the curtilage of a property is to be permanently acquired, the acquiring authority will hold discussions with the property owner and generally agree to replace boundaries on a like for like basis where possible, subject to safety considerations.”*

5.6.15 In response to the twelve submissions regarding potential impacts on the existing property boundaries, responses are provided in the table below:

**Table 1 Responses to property boundary impacts**

No.	CPO Plot No.	Response
5	116	The boundary of the property will not be impacted. A footpath will be provided in front of the property which will extend to Robertstown Church. See Viewpoint 3 in Volume 5A of the EIAR for a view of the proposed development at this location.
22	215	This house is located just west of the proposed roundabout at the northern end of the link road from Askeaton to Ballyclogh. The boundary wall and entrance to the property will not be impacted at this location.
31	467	This house is located just south of the proposed motorway at Ch. 60+250 where the L-1423 Station Road will be realigned for a bridge over the motorway. The existing boundary and entrance will not be affected by the proposed works.
33	478	This house is located on the existing N21 road opposite the Adare Manor Golf Club and just west of the proposed roundabout for the link road to the Adare junction on the new motorway. The boundary at the south-eastern corner of the property will be set back by 2 metres from its current position to accommodate sight lines from the entrance towards the east. A new boundary will be provided in similar materials and style. The western side of the entrance will not be impacted.
63	219	This house is located three houses south of the proposed roundabout at Askeaton on the N69. The existing boundary and entrance will not be affected by the proposed works.
65	325	This house is located at Graigeen Cross on the R518 Rathkeale to Askeaton Road 100m east of the proposed road where it will cross over the L-1222 road to Creeves. The existing boundary and entrance to the property will not be affected by the proposed road development. This can be seen in Viewpoint 8 in Volume 5B.
79	328	This house is located just south of Graigeen Cross on the R518 Rathkeale to Askeaton Road about 100m north of where the proposed road will cross over the R518. The boundary treatment of their property will not be affected by the proposed road development.



No.	CPO Plot No.	Response
82	119 121	<p>These properties (a house and garden, and a field) are located at the junction of the N69 Foynes to Askeaton Road with Local Road L-60691 just east of Robertstown Bridge.</p> <p>Localised road widening is proposed along the N69 at this location for provision of a shared footpath and cycleway to benefit the local community for access to Robertstown Church just to the east.</p> <p>The existing entrance to the house on the local road will not be affected. A new boundary wall and associated planting will be provided at these properties in agreement with the owners.</p>
105	217	<p>This house is located to the east of the proposed roundabout for the Askeaton Link Road.</p> <p>The boundary and entrance to the property will not be affected by the proposed road development.</p>
109	442	<p>This property is a house on the southern side of the N21 to the east of the proposed roundabout for the link road to the Croagh Junction.</p> <p>A small area of grass verge in front of the boundary wall may be impacted by works required to tie into the existing road.</p>

5.6.16 For properties related to Submission Nos. 52 and 82, the boundary will be agreed with the property owner during discussions, with walls being replaced on a like for like basis, where possible.

5.6.17 For property related to Submissions No. 86: the boundary treatment will be per paragraph 5.6.6 of this brief.

## 5.7 Equine Impact

### Issues Raised in Submissions / Objections

5.7.1 Five submissions / objections to the proposed road development raised equine issues. These were in the Submissions SCH- 14, 18, 32, 37 and 102.

### Response

5.7.2 The impact of the proposed road on agricultural property with equine enterprises is being dealt with in a separate Brief of Evidence.

5.7.3 The agricultural impact on equine properties has been incorporated into the agricultural impact assessment in Ch. 15 of this EIAR. The individual assessment of impact on each of these properties is presented in Table 15.6 of Chapter 15 of the EIAR.

## 5.8 Sharing of Access

### Issues Raised in Submissions / Objections

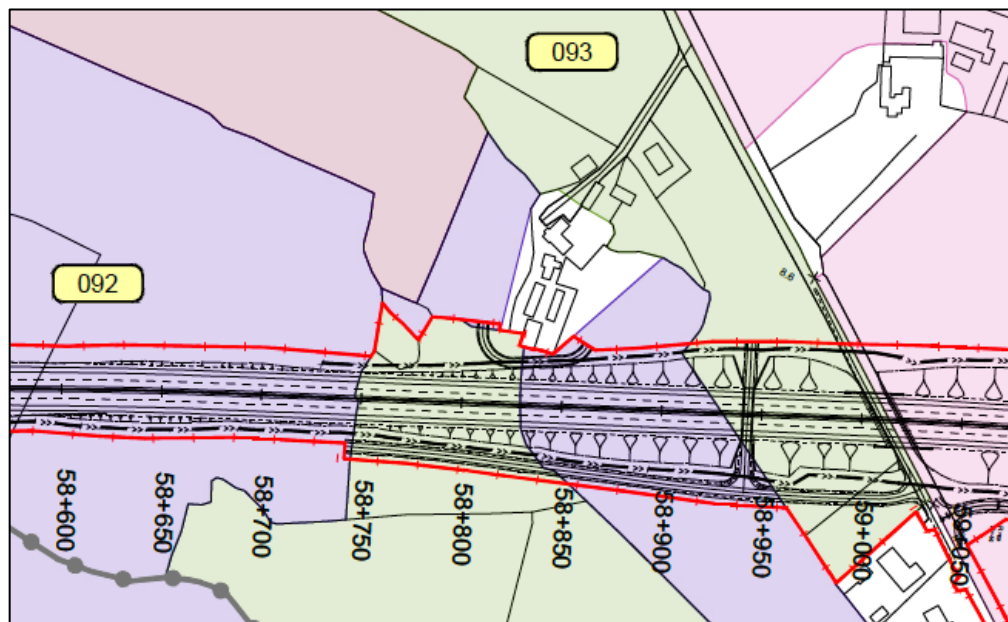
5.8.1 Submission SCH- 40 included an objection to *"a shared access arrangement with an adjoining landowner"* and requested an alternative.

5.8.2 Submission SCH- 88 included an objection that the *"provision of a shared underpass is not in its own right sufficient to cater for the movement of animals between the two severed parts of my Clients holding and no provision of animal holding facilities have been provided."*



## Response

- 5.8.3 The sharing of access arrangements on the proposed road development is limited to accommodation tracks which will ensure full access is available to affected lands. There is a negligible increased animal health risk associated with the sharing of accommodation tracks and is comparable with livestock movements on local roads / lanes. It is not proposed that access accommodation structures will be shared.
- 5.8.4 The specific access arrangements applying to each submission that raised this issue is highlighted in the following:
- a) Submission / objection SCH- 40 (Figure 33 Land holding 092): the shared access arrangement refers to an access accommodation track only. The shared use of this track is comparable to access from a public road and is a suitable mitigation measure.



**Figure 33** Land holding 092

- b) Submission / objection SCH- 88 (Figure 34 Extract from Fig. 4.40) (Figure 19 Land holding 069): access between retained lands is proposed via access accommodation underpass (UP11A) and access accommodation tracks between Sideroad 12B and Sideroad 12D at Blossomhill. Access accommodation underpass 11A is not proposed to be shared. Access to lands south of the proposed road at Ch.51+850 will include using a simple system of gates to cross an adjoining access accommodation track.

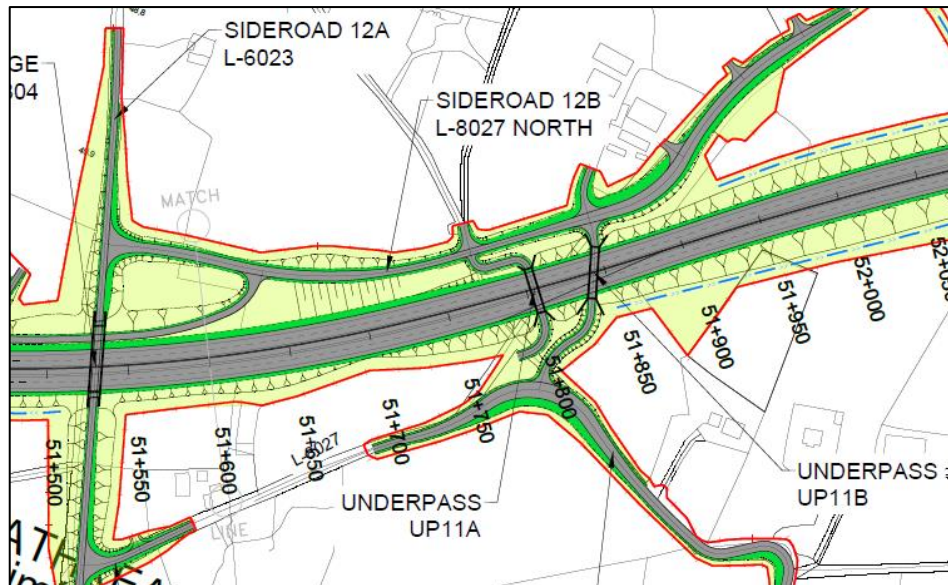


Figure 34 Extract from Fig. 4.40

## 5.9 Provision of Animal Handling Facilities

### Issues Raised in Submissions / Objections

- 5.9.1 Thirteen submissions / objections to the proposed road development have sought the provision of animal handling pens and loading areas on affected lands. The following submissions / objections raised this point: Submissions SCH- 16, 17, 40, 41, 45, 58, 68, 75, 76, 83, 91, 113 and 115.

### Response

- 5.9.2 The provision of animal handling facilities, if agreed, will be located outside of lands compulsorily acquired and will be dealt with by Limerick City and County Council as a matter for compensation.
- 5.9.3 The requirement for animal handling facilities will be influenced by the circumstances on the individual farm holding e.g., a direct impact on existing animal handling facilities or a loss of direct access from severed lands to existing animal handling facilities.
- 5.9.4 Where access is available from severed lands to retained lands with animal handling facilities via the provision of an access accommodation structure, then provision of animal handling facilities may not be required.

## 5.10 Impact on drainage

### Issues raised in submissions / objections

- 5.10.1 Fifty-seven submissions / objections to the CPO of agricultural lands have objected due to the potential impact on existing drainage, having stated that "*drainage design is inadequate*" or "*no specific and relevant drainage design provided*" or are seeking a commitment from the County Council that lands will not become flooded due to the proposed road development works. The following submissions / objections raised this point: Submissions SCH- 1, 10, 12, 13, 15, 16, 17, 20, 23, 25, 27, 28, 29, 32, 36, 38, 39, 41, 44, 49, 50, 51, 54, 55, 57, 58, 59, 61, 62, 63, 64, 66, 68, 72, 73, 75, 76, 80, 81, 83, 85, 91, 92, 96, 97, 99, 100, 101, 104, 107, 111, 115, 116, 117, 118, 119 and 120.

5.10.2 The following specific objections on agricultural property were also raised:

- a) Submission / objection SCH- 84 indicated a concern that proposed construction works would potentially impact on the drainage of the Lough Selleher Turlough and lead to increased flooding of his lands.
- b) Submission SCH- 36: An existing drain which acts as a main drain is within the line of the C.P.O. and no detail regarding the removal of same have been discussed with the landowners.

5.10.3 Thirteen submissions / objections in relation to non-agricultural property objected on the basis that “*no specific and relevant drainage design provided*”, that “*drainage design is inadequate*”, or raised concerns about potential damage to property from surface runoff during or after construction. The following submissions / objections raised these points: Submission SCH- 5, 22, 24, 26, 33, 60, 65, 79, 82, 93, 98, 105 and 109.

5.10.4 The following specific objections on non-agricultural property were raised:

- a) Submission / objection SCH- 86: “*The lands are intensively drained. The landowner requires a commitment that any damage to his drainage system on the retained property as a result of the works carried out on the C.P.O. land will be the responsibility of the County Council*”. Existing watercourses “*are running at capacity and any volumes of water will create issues on the adjoining lands*”.

### **Response**

5.10.5 The measures for mitigation of the disturbance to existing drainage systems on agricultural property are outlined in Section 15.5 Mitigation Measures for Agriculture in the EIAR and include:

*“All existing land drains and watercourses severed by the proposed road development will either be directed to a culvert under the proposed road and / or associated side road realignments or will be incorporated into the new road drainage system. The new drainage system will be designed to ensure that there will be no increased risk of flooding as a consequence of the proposed road development.”*

5.10.6 The measures for mitigation of the disturbance to existing drainage systems on agricultural and non-agricultural property are outlined in Sections 15.6 and 16.6 of the EIAR and it is explained that:

*“In cases where drainage is impeded during construction and causes obvious difficulty to a particular property owner, temporary measures will be considered on a site-specific basis. This may include allowing waters to drain to less critical areas, so as to minimise the impact.”*

## **5.11 Risk of Increased Spread of Animal Disease**

### **Issues Raised in Submissions / Objections**

5.11.1 Two submissions to the proposed road development claim an increased risk of the spread of animal disease due to the proposed movement of material and vehicles from farm to farm during the construction period. The following submissions / objections raised this point: Submission SCH- 32 and 62.

5.11.2 Submission SCH- 108 included an objection that “*the shared underpass ... will result in potential biosecurity and animal health issues in the future*”.

## Response

- 5.11.3 On properties related to Submission SCH- 32 and 62, there will be negligible increased risk to farm holdings arising from traffic movements during the construction phase.

There is an underlying risk of disease spread on all agricultural properties particularly between adjoining farm holdings where livestock are in proximity or even in contact over existing farm boundary walls or fences.

The proposed construction works, involving the movement of material and vehicles, will only commence once the permanent fencing of lands to be acquired under the CPO are completed. The movement of material, machinery and personnel will only take place on lands included in the compulsory acquisition and not from farm to farm.

- 5.11.4 On property related to Submission SCH- 108 (Figure 35 Underpass UP12A), the proposed access between retained lands is a private access accommodation structure (UP12A) and the associated private access accommodation tracks. There is no shared access arrangement on this farm holding.

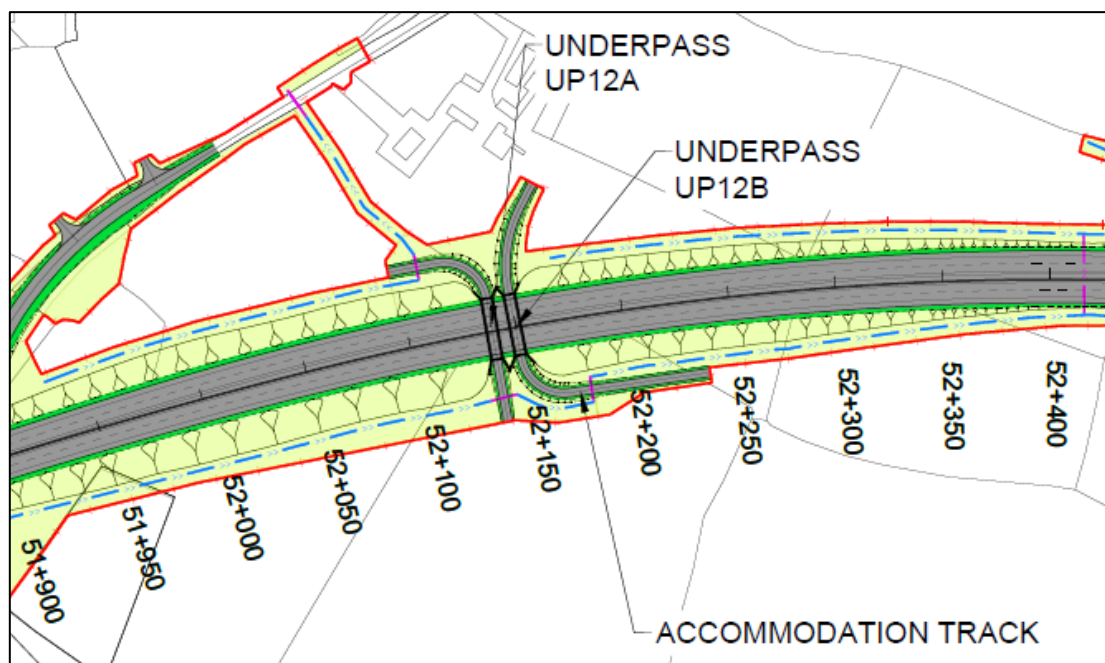


Figure 35 Underpass UP12A (Taken from Fig. 4.40)

## 5.12 Restoration of Fencing and Paddocking Systems

### Issues Raised in Submissions / Objections

- 5.12.1 A number of submissions / objections to the proposed road development have been made claiming a lack of detail as to how the local authority proposes to restore fencing and paddocking systems on affected lands. The following submissions / objections raised this point: Submission SCH- 16, 36, 55, 58, 62, 73, 83, 87, 113 and 117.

## Response

- 5.12.2 The provision of fencing and paddocking systems, if agreed, will be dealt with by the local authority as a matter for compensation.

## 5.13 Impact on Management, Training and Exercise of Foxhounds

### Issues Raised in Submissions / Objections

- 5.13.1 In Submission SCH- 14, it is stated that: *"Fox hounds are frequently taken to the old railway bridge to access lands and to bring them swimming in local rivers. The new road will seriously impact on the management, training and exercise of the hounds. No consideration has been given to this cultural and historical activity"*.

### Response

- 5.13.2 The separate Equine Brief of Evidence has provided a response to the above submission, as it concerns hunting, an equine activity.

## 5.14 Impact on Non-agricultural Property

### Issues Raised in Submissions / Objections

- 5.14.1 In Submission SCH- 79, the objection raised concerns that works may result in structural damage to a dwelling house.
- 5.14.2 The following specific objections were also raised in relation to non-agricultural property:
- a) Submission / objection SCH- 31 claims that *"the proximity of the proposed road will result in significant devaluation to the house."* The submission also claimed there will be a loss of earnings from Air BnB at the property during construction.
  - b) Submission / objection SCH- 34 indicated an objection *"to the acquisition of the above property ... and the adjoining lands as part of the development and all the stress, disturbance and upheaval this will cause"*.
  - c) Submission / objection SCH- 82 notes that an existing orchard is being acquired and it is claimed that *"the County Council have not specified how this will be replaced in the future"*.
  - d) Submission / objection No. 103 requests that the *"dwelling house should be acquired because of impact of the proposed road on the dwelling house"*.
  - e) Submission / objections ENV-26, SCH- 7, 8, 28, 110 refer to the impact and mitigation for properties.

### Response

- 5.14.3 The non-agricultural property impact of the proposed road development has been assessed in Chapter 16 Material Assets & Land – Non-agricultural property in the EIAR and details of the assessment of the impact on property is presented in Table 16.5 of the EIAR and summarised in Section 16.4.1 of the EIAR.
- 5.14.4 The individual impact assessments reflect the direct impacts on the non-agricultural property arising from the construction and operation impacts of the proposed road development.
- 5.14.5 The assessment of the significance of impact on non-agricultural property is based on EPA guidance with seven degrees of impact significance. The criteria used to determine the significance of the impact are shown in Tables 16.2, 16.3 and 16.4 of Chapter 16 of the EIAR and include the baseline rating criteria, the magnitude of impact criteria and the significance of the impact criteria.



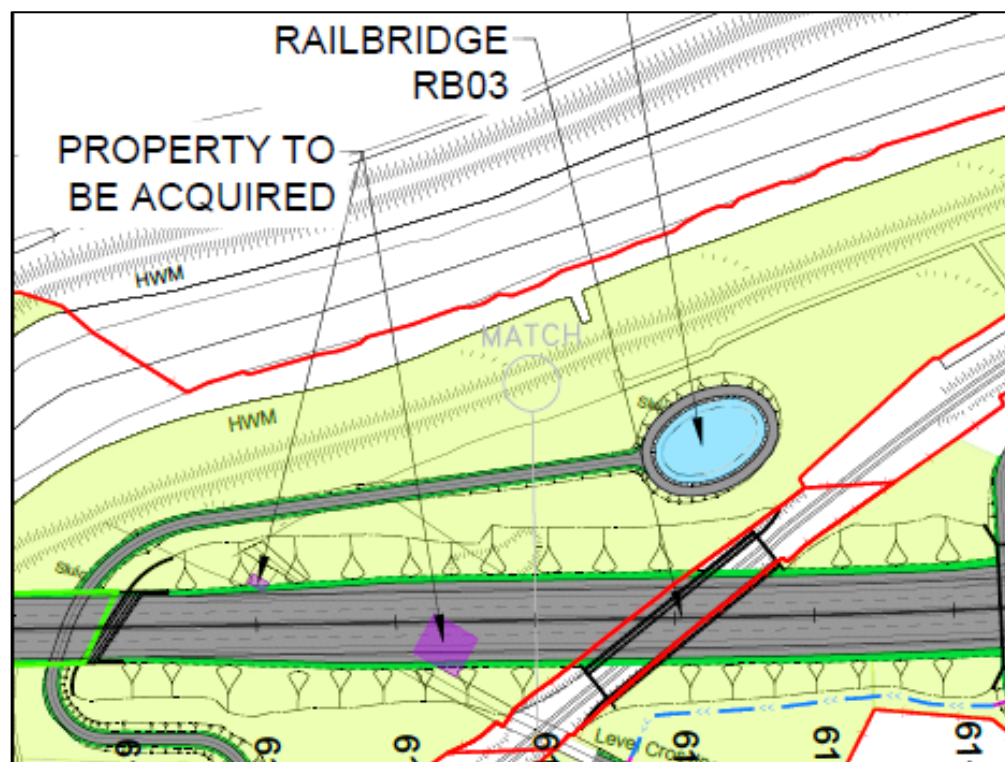
5.14.6 Measures for the mitigation of the impact on non-agricultural property arising from the proposed road development are outlined in section 16.5 of Chapter 16 of the EIAR and include the following:

*“Prior to construction and subject to written agreement with the relevant property owners, property condition surveys will be undertaken in relation to all buildings / structures in use located within 50 metres of the extents of the landtake boundary and within 150m of any proposed blasting works along the proposed road development.”*

Measures for the mitigation and monitoring of noise and vibration impacts on non-agricultural property during the construction period are outlined in Section 12.5 of the EIAR.

5.14.7 The following are responses to specific objections raised for non-agricultural property:

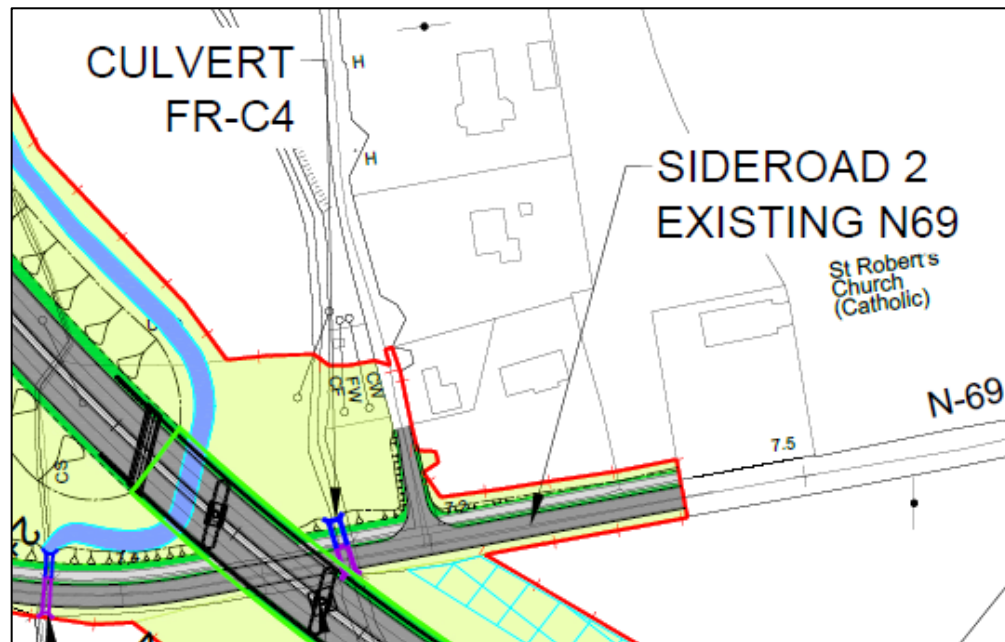
- a) Submissions SCH- 31 and 79: the residual impact was determined to be Not Significant. The primary direct impact on each property involves landtake of public road only.
- b) Submission SCH- 34 (Figure 36 Property acquisition): this relates to a property located at Ardshanbally (west of Railbridge RB03) that was renovated with a substantial extension under planning approval granted in 2013. The residual impact on this residential property was determined to be a Profound Negative Impact. The primary direct impact is the acquisition of the residential property and adjoining lands.



**Figure 36 Property acquisition (Extract from Fig. 4.46 of the EIAR)**

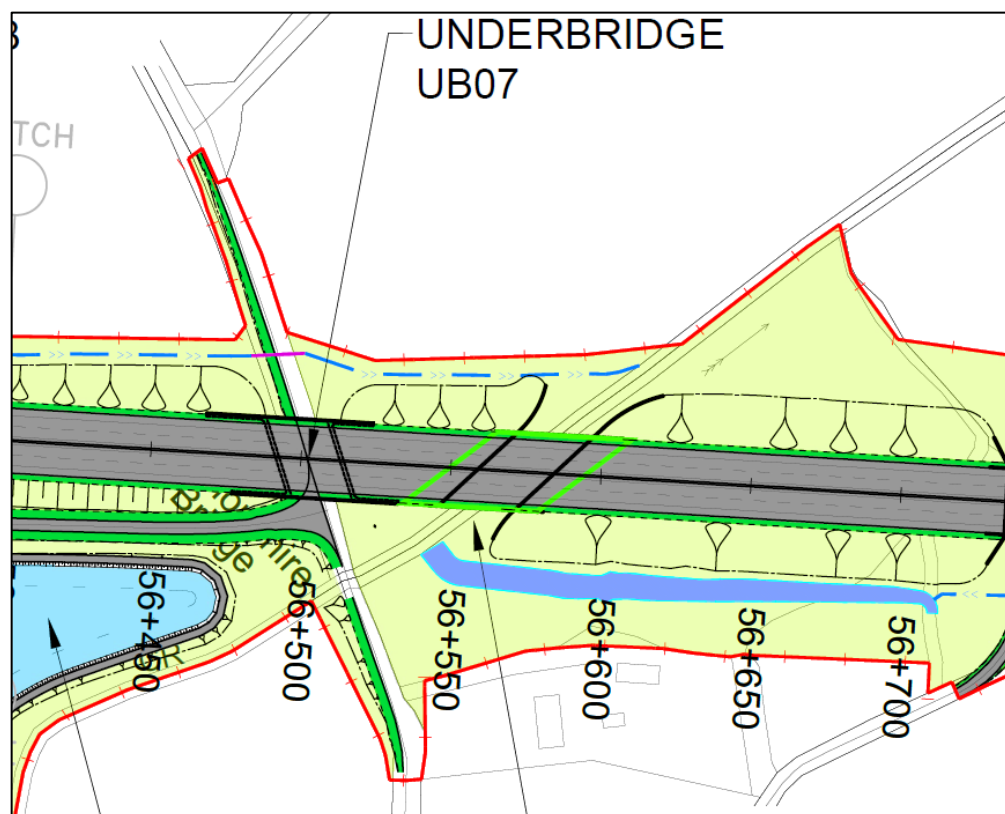
- c) Submission SCH- 82 (Figure 37 Sideroad 2): the property is located at Sideroad 2 at Robertstown and was separately assessed for 'Land' and 'Residential' property. The primary direct impact for the land plot, where the orchard is located east of the Robertstown River, is landtake of the entire area

and the residual impact was determined to be a Moderate Negative Impact. The impact of the loss of the orchard will be a matter for compensation.



**Figure 37 Sideroad 2 (Extract from Fig. 4.46 of the EIAR)**

- d) Submission SCH- 103 (Figure 38 Underbridge UB07): the residual impact on this residential property located at Clonshire (east of Underbridge UB07) was determined to be a Slight Negative Impact. The primary direct impact is landtake of curtilage area and involving impacts to the property entrance and boundary.



**Figure 38 Underbridge UB07 (Extract from Fig. 4.46 of the EIAR)**

- e) Submissions ENV-26, SCH- 7, 8, 28, 110: Impacts on properties as a result of Landscape, Noise and Vibration and Air Quality and the mitigation proposed are outlined in Chapters 11, 12 and 13 respectively.
- f) Impacts resulting from the acquisition of lands on non-agricultural property may include impacts on the valuation of the retained lands, which may form part of a compensation claim, in the event that the compulsory acquisition is confirmed.

## 5.15 Impact on Services

### Issues Raised in Submissions / Objections

- 5.15.1 Twenty-six submissions / objections to the CPO in relation to agricultural property have objected due to the impact on existing services or have sought details of the restoration of water and power supplies. The following objections / submissions raised this point: Submissions SCH- 16, 20, 28, 29, 36, 38, 41, 44, 45, 47, 49, 58, 59, 63, 68, 73, 75, 76, 83, 84, 88, 91, 104, 113, 115 and 117.
- 5.15.2 Fourteen submissions / objections to the CPO in relation to agricultural property have objected due to the potential impact of the proposed road on private or local wells. The following objections / submissions raised this point: Submissions SCH-, 39, 55, 57, 62, 64, 68, 73, 74, 76, 87, 96, 113, 115 and 121.
- 5.15.3 The following specific objections with respect to the impact on agricultural property were also raised:
  - a) Submission / objection SCH- 8 objected due to there being *"no provision has been made within the scheme to install ducting piping for the continuance of services such as Electrical Supply, Water and effluent containment from the proposed new over bridge"*.
  - b) Submissions SCH- 38 and 115 require clarification regarding the possible relocation of the gas pipeline which runs through the lands.
  - c) Submission / objection SCH- 40 indicated that an *"existing 3-phase power line serving associated industrial buildings is within the line of the proposed road. No alternative routes have been proposed by the County Council"*.
  - d) Submission / objection SCH- 46 indicated that existing E.S.B. poles are near the CPO line and clarification is sought regarding their relocation.
  - e) Submission / objection SCH- 47 indicated that the impact on the existing well, septic tank and percolation area has not been considered.
  - f) Submission / objection SCH- 76 indicated that, on both holdings, *"a natural water supply will now be removed and the County Council have not provided any detail on how this water supply will be replaced."* On the Rathkeale Holding they have queried that there are no details as to the possible relocation of ESB structures within the lands.
  - g) Submission / objection SCH- 84 indicated that the local Group Water Scheme will be redundant during construction and supply would be interrupted to his sheds leading to an animal welfare issue.
  - h) Submission / objection SCH- 94 indicated that the *"water supply to farm been acquired and an adequate replacement supply has to be provided."*
- 5.15.4 Nine submissions / objections in relation to non-agricultural property raised concerns about potential impacts on private and public services. The following objections / submissions raised these points: Submission SCH- 5, 22, 31, 33, 52, 60, 65, 79, 105 and 109.



5.15.5 The following specific objections on non-agricultural property were also raised:

- a) Submission / objections SCH- 31, 33, 52, 82: an existing percolation soakway is near the CPO line and has requested monitoring both pre- and post-construction.
- b) Submission / objection SCH- 82: lack of detail regarding the restoration of the existing property water supply.

### **Response**

5.15.6 Measures to mitigate the impact on agricultural and non-agricultural property arising from the proposed road development are outlined in section 15.5 of Chapter 15 and section 16.5 of Chapter 16 of the EIAR and, in relation to services, it is confirmed that:

*“Any services that are interfered with as a result of the proposed road will be repaired / replaced without unreasonable delay.”*

Further measures to mitigate the impact on agricultural property in section 15.5 include:

*“Ducting for the restoration of water and power supply services will be provided, as necessary.”*

5.15.7 Measures to mitigate the construction impact on agricultural and non-agricultural property arising from the proposed road development are outlined in section 15.6 of Chapter 15 and section 16.6 of Chapter 16 of the EIAR, and confirmation is provided in relation to services that:

*“Where required, an alternative source of water / electricity will be provided to ensure that disruption is minimised during the construction phase.”*

5.15.8 Specific measures to mitigate the construction impact on private and public well water supplies are outlined in section 9.5.1.2 of Chapter 9 of the EIAR. Responses to queries regarding private and public wells are provided in the Hydrology and Hydrogeology Brief of Evidence.

5.15.9 In response to Submission / objection SCH- 40: The supply from the existing three-phase electricity powerline serving associated industrial buildings will be maintained and provided via ducting under the mainline of the proposed motorway or via an alternative overhead route.

## **5.16 Illegal Parking, Littering and Anti-social Behaviour**

### **Issues Raised in Submissions / Objections**

5.16.1 Ten submissions / objections in relation to agricultural property expressed concern that areas “*will become prone to illegal parking and dumping*” or that “*no consideration given to possible unauthorised parking and dumping of rubbish*”. The following objection / submissions raised this point: Submissions SCH- 12, 49, 51, 54, 61, 72, 80, 85, 92 and 115.

5.16.2 The following specific objections on agricultural property were also raised:

- a) Submission / objection SCH- 17 indicated that “*it is unclear what is to happen to triangular shape piece of land ... which is being acquired ... and not being connected to anything this would leave this land vulnerable to antisocial behaviour.*”

- 5.16.3 Four submissions / objections in relation to non-agricultural property expressed concern that areas “*will become prone to illegal parking and dumping*” or that “*no consideration given to possible unauthorised parking and dumping of rubbish*”. The following objections / submissions raised these points: Submissions SCH- 26, 31, 60, 98.

### Response

- 5.16.4 The lands to be acquired for the proposed road development will be treated carefully at public road interfaces to minimise the potential for such anti-social activities. Landscape planting will be provided to minimise any open areas beyond the verge widths and visibility splays required for traffic safety at junctions and accesses.
- 5.16.5 Accommodation roads and access tracks will be gated and locks provided to landowners to prevent illegal parking.
- 5.16.6 In response to Submission / objection SCH- 17: The area in question is located at Blossomhill (Figure 39 Taken from Fig. 4.40 of the EIAR) and is being acquired under the compulsory acquisition. It is proposed to be used for an access accommodation track to restore access from accommodation structure (UP11A) to severed agricultural lands.

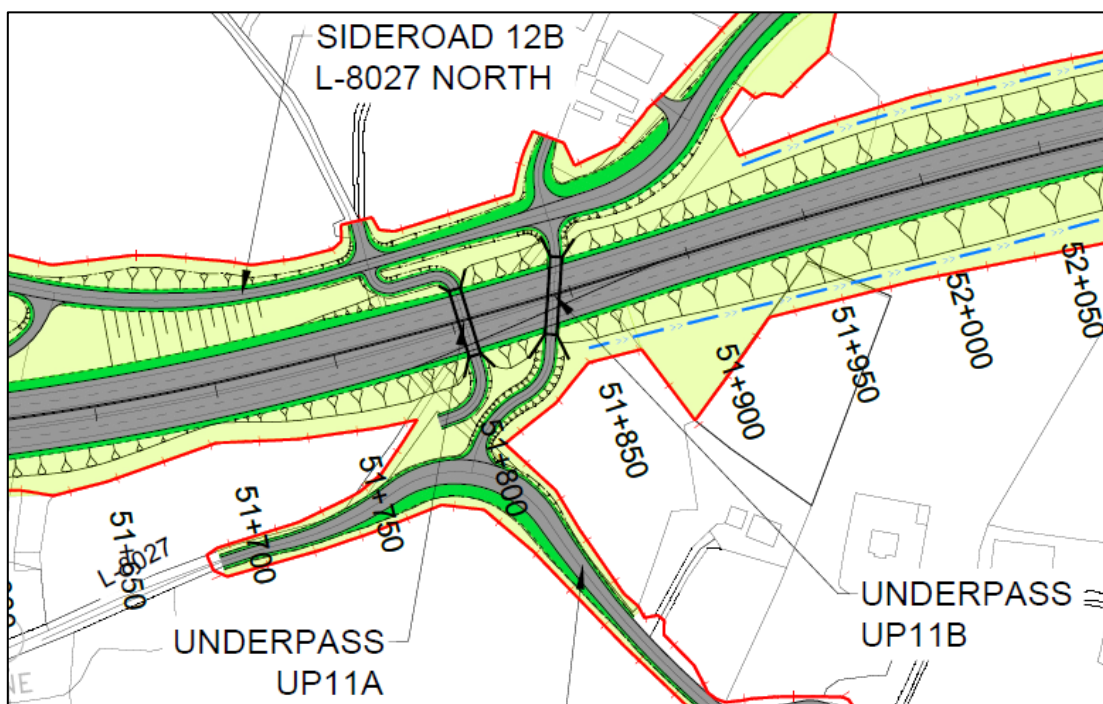


Figure 39 Taken from Fig. 4.40 of the EIAR

- 5.16.7 Any incidents of unauthorised parking or littering on accommodation roads or other property should be reported to Limerick City and County Council or An Garda Síochána.

## **6. CONCLUSION**

- 6.1 An assessment of the impact of the proposed road development on agriculture and non-agricultural property has been completed for the proposed road development.
- 6.2 Under agricultural property, the proposed compulsory acquisition will directly impact on 105 properties resulting in the loss of 323.0ha agricultural lands which, following the implementation of mitigation measures, will result in significant impacts on 22 farm properties.
- 6.3 Under non-agricultural property, the proposed compulsory acquisition of 19.8ha of lands will, following the implementation of mitigation measures, will result in significant or greater impacts on 15 properties. These impacts will include the combined acquisition of nine residential properties (including two uninhabited) from agricultural and non-agricultural properties.
- 6.4 The submissions received relating to the Material Assets chapters have been reviewed and it has been determined that there is no further requirement for additional surveys, mitigation or accommodation works.
- 6.5 There is no change to the conclusions presented in the EIAR for the Material Asset chapters (No. 15 and 16 of Volume 2 of the EIAR).

## Appendix A

**Table 15.8 Details of Access Accommodation Structures**

Chainage	Reference	Location	Type and Size
2+000	UP01	Ardaneer	Farm Underpass: 4.5m wide x 3.0m high
4+990	UP02	Craggs	Farm Underpass: 4.5m wide x 4.5m high
6+825	UP03	Ballyclogh	Farm Underpass: 4.5m wide x 4.5m high
11+225	UP04	Cloonreask	Farm Underpass: 4.5m wide x 4.5m high
20+550	UP05	Ballyclogh	Farm Underpass: 4.5m wide x 3.0m high
21+760	UP06	Lismakeery	Farm Underpass: 4.5m wide x 4.5m high
24+000	RVB01	Ballynacaheragh	Farm Underpass: 4.5m wide x >4.5m high
24+050	RVB01	Boolaglass	Farm Underpass: 4.5m wide x >4.5m high
24+500	FR-C15	Boolaglass	Farm Underpass: 4.5m wide x 3.0m high
25+675	UP07	Feeagh	Farm Underpass: 4.5m wide x 4.5m high
26+175	UP08	Ardgoul South	Farm Underpass: 4.5m wide x 4.5m high
28+075	UP09	Ballingarrane	Farm Underpass: 4.5m wide x 4.5m high
29+150	UP10	Rathkeale	Farm Underpass: 4.5m wide x 4.5m high
50+750	M21-C1	Wolfeburgess East	10m span across stream and access track (4.5m wide x 4.5m high)
51+800	UP11A	Blossomhill	Farm Underpass: 4.5m wide x 3.0m high
51+840	UP11B	Blossomhill	Farm Underpass: 4.5m wide x 3.0m high
52+150	UP12A	Clogh West	Farm Underpass: 4.5m wide x 4.5m high
52+150	UP12B	Clogh West	Farm Underpass: 4.5m wide x 4.5m high
54+450	OB05	Croagh	L-1421 Overbridge: 4.0m wide x >4.5m high
55+550	UP13	Croagh Junction Link Road	Farm Underpass: 4.5m wide x 4.5m high
56+320	UP14B	Graigue	Farm Underpass: 3.0m wide x 3.0m high
56+740	UP15	Clonshire More	Farm Underpass: 4.5m wide x 4.5m high
58+500	OB07	Rower More	Farm Access Overbridge: 4.0m wide
58+950	UP16	Tuogh	Farm Underpass: 4.5m wide x 3.0m high
59+425	UP17	Kilknockan	Farm Underpass: 4.5m wide x 4.5m high
60+325	OB08	Curraghbeg	L-1423 Station Road Overbridge: backspan access 4.5m wide X 4.5m high
60+850	RVB04	Islandea	Farm Underpass: 4.5m wide x 4.5m high
61+360	UP18	Ardshanbally	Farm Underpass: 4.5m wide x 4.5m high

## Appendix B

The following submissions have been responded to in this Brief of Evidence:

Submissions Responded to in the Brief of Evidence	
ENV-	26
SCH-	1,5,6,7,8,10,11,12,13,14,15,16,17,19,20,22,23,24,25,26,27,28, 29,31,32,33,34,36,38,39,40,41,43,44,45,46,47, 48,49,51,52,54,55,56,57,58,59,60,61,62,63,63,64,65, 66,68,69,72,73,74,75,76,79,80,81,82,83,84,85,86,87,88,90, 91,92,93,94,96,97,98,99,100,101,102,103,104,105,106,107, 108,109,110,111,112,113,114,115,116,117,118,119,120,122
FI-	8